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MANUAL

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Office, No. 7 New Court-House, Brooklyn.

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HENRY R. STILES, *Clerk.*
HERMAN MORRIS, "
FREDERICK S. LINCOLN, "

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JAMES CRANE, M. D.

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COMMITTEE ON SUPPLIES.

STEPHEN SMITH, M.D., *Chairman.*
JOSEPH S. BOSWORTH.
BENJAMIN F. MANIERRE.

COMMITTEE ON INSPECTION.

S. SMITH & MANIERRE.....January and February.
BOSWORTH & H. SMITH.....March and April.
BRENNAN & STONE.....May and June.
MANIERRE & S. SMITH.....July and August.
BOSWORTH & H. SMITH.....September and October.
BRENNAN & STONE.....November and December.

RULES, REGULATIONS, ETC.,

OF THE

METROPOLITAN BOARD OF HEALTH.

Meetings.

1. THE regular adjourned meetings of this Board shall be held on Wednesday in each week, at one o'clock, P. M., unless otherwise ordered.

2. Special meetings of the Board may be held at three o'clock P. M. on Monday and Saturday of each week, for the transaction of business requiring prompt attention. At such special meetings no ordinance or regulation shall be made, repealed, or changed; no officer, clerk, or agent, shall be dismissed, employed, or have his term extended, or his compensation diminished or increased; no final order (under the first clause of Section 14, relating to orders) or order of arrest shall be made; no money or compensation exceeding two hundred and fifty dollars shall be voted or allowed, and no action shall be taken upon any measure or matter touching the general policy or duty of the Board, or of its officers, except to refer the same to the next meeting of the Board, unless eight members are present, and all the members of the Board shall have been specially notified of such meeting, and the intention to take action on some matter aforesaid.

3. Special meetings may be called at any time by the Secretary, when requested by the President, or a majority of the members, specifying the object of the meeting.

4. No notice shall be required for meetings referred to

in sections one and two, but three hours' notice of special meetings shall be given personally, or left at such place as the members may severally designate.

Elections and Appointments.

5. No appointment or election shall be made of any agent or officer, other than the President of the Board, until after a report upon the same from an appropriate committee, except by the concurring vote of at least seven members of the Board.

6. No appointment or transfer of any clerk or subordinate shall be made, except by the Board.

Committees.

7. Standing and special committees shall (unless otherwise ordered by the Board) be appointed by the President, and shall, with the exception of the Committee on Inspection, each consist of three members.

8. The standing committees shall be as follows:

1st. Sanitary Committee.
2d. Finance Committee.
3d. Committee on Law and Ordinances.
4th. Committee on Inspection.
5th. Committee on Supplies.

To the Sanitary Committee shall be referred all subjects requiring medical knowledge.

To the Finance Committee shall be referred all questions in respect to expenses and salaries, and the Committee shall audit all bills.

To the Committee on Law and Ordinances shall be referred all matters and subjects of law and ordinances.

It shall be the duty of the Committee on Inspection to oversee all the departments of the Board, and to visit the same twice a month, and from time to time to report any changes they think would promote economy or efficiency in

these departments. It shall also be the duty of said Committee to examine and report upon all cases of remissness in the performance of duty by any officer or clerk of the Board, and all cases in which any such officer or clerk has been guilty of any conduct that they may think impairs his usefulness in the service of the Board.

The commissioners from Brooklyn shall be the Committee on Inspection for Kings County. The members of the Board in New York shall be the Committee on Inspection for the rest of the district, and shall relieve each other in the following order:

S. SMITH and MANIERRE, January and February.

BOSWORTH and H. SMITH, March and April.

BRENNAN and STONE, May and June.

MANIERRE and S. SMITH, July and August.

BOSWORTH and H. SMITH, September and October.

BRENNAN and STONE, November and December.

It shall be the duty of the Committee on Supplies to take general charge of the purchase of all supplies for the Board; of the procuring of printing, and of the other expenditures not otherwise provided for and authorized by the Board; and they shall secure the greatest practicable economy in respect thereto; their approval of requisitions and other expenditures shall be in writing, and shall be presented by the Secretary. The Committee shall not authorize any liability or expenditure, on the part of the Board, exceeding five hundred dollars in the aggregate, without the previous vote of the Board. They shall make a written report to the Board, quarterly, of all supplies authorized or purchased, and of all expenditures authorized or made by the Committee, stating the kind, amount, and prices of such supplies, and from whom obtained or authorized, and the items of said expenditures.

9. The President shall be *ex officio* a member of all standing committees.

10. No expense shall be incurred by any officer or employé of this Board, without an order of the Board, or the

written approval of a majority of the Committee on Supplies, and until the same has been entered upon the books of the Secretary.

Order of Business.

11. The following shall be the order of business at meetings of the Board:

1. Reading of minutes.
2. Reports from attorney and counsel.
3. Reports of standing committees.
4. Reports of special committees.
5. Communications from Superintendent.
6. Communications from Board of Commissioners of Metropolitan Police.
7. Communications of importance from all other sources.
8. Resolutions and orders.
9. Unfinished business.
10. New business.

12. All resolutions shall be submitted in writing.

Officers to take Oath.

13. All officers appointed by this Board shall take the constitutional oath of office.

Authentication.

14. Except in the cases where a different mode of authentication is required by the rules or regulations of this Board, or by law, all orders made, or that may be made, by this Board, may be authenticated by adding to a copy of such order the words "a true copy," and by the signature thereunder of the name of the Secretary of this Board by such Secretary, or of the name of the Chief Clerk by such Chief Clerk.

Reports under Oath.

15. Before any order be made under the 14th section of the Health Law, the report or reports, on which the same is

to be founded, shall be sworn to by the persons making the same.

Hearings.

16. The power of the President to suspend the execution of an order shall only extend to its suspension until the next meeting of the Board, when every suspension since the last meeting shall be by him reported to the Board and entered on its minutes. No suspension shall be of any effect unless the same be in writing upon the order suspended, and a note of such suspension shall be at the same time entered upon the record of such order in the books of the Board.

In all proceedings under the 1st subdivision of Section 14 of Chapter 74 of the Session Laws of 1866, where the person or persons served, or intended to be served, with the order made thereunder, shall, within the time limited, apply to the Board, or to the President thereof, to have said order, or its execution, stayed or modified, the following proceedings shall be had, save in cases of imminent danger from impending pestilence. The person or persons so applying shall, unless the Board otherwise direct, appear, and make their proofs before Seth C. Hawley or D. B. Hasbrouck (whichever may be designated by the Secretary), and the said Hawley and Hasbrouck are hereby appointed persons, and authorized, to take, any and all proofs, affidavits, and examinations, as to any matters under Chapter 74 of the Laws of 1866. Such appearance shall be at the office of the Board, at No. 301 Mott Street, New York, at 10 o'clock of the forenoon of the day succeeding such application; the applicant shall produce his witnesses, and there, orally and under oath, present the facts and proofs against the declaration on which the order was made, and against the execution of said order, or in favor of its modification, and shall have a full and fair opportunity so to do.

The presentation of such facts and proofs shall be continued without needless interruption or delay, and shall be

completed, if possible, within one day from its commencement.

After such facts and proofs on behalf of the said person or persons have been completed, the other facts and proofs may be presented in the same manner, in favor of said declaration and order and its execution.

Any witnesses may be presented, examined, and cross-examined, for or against such declaration and order and its execution or modification, subject to the reasonable direction of said Hawley or Hasbrouck. After all of such facts and proofs shall have been presented, the same shall be returned by said Hawley or Hasbrouck to the Board, and the case shall be considered at the next regular meeting of the Board, unless the Board shall appoint a different time therefor. At such meeting one counsel may be heard on behalf of said person or persons, but not to exceed forty-five minutes, unless, in particular cases, the Board shall permit a more protracted argument.

Reports.

17. All clerks of this Board (except those in the office of the Treasurer, Sanitary Superintendent, and the Assistant Sanitary Superintendent in Brooklyn) shall report, and make their reports, to the Secretary; the Sanitary Inspectors, Assistant Sanitary Inspectors, and all employés of the Board engaged in the execution of its orders (except in Kings County), shall report, and make their reports, to the Sanitary Superintendent; all officers and employés of the Board in Kings County shall report to the Assistant Sanitary Superintendent in Brooklyn; the Assistant Sanitary Superintendents in New York and Brooklyn shall report to the Sanitary Superintendent. The Attorney and Counsel shall report to the Board, and also the Engineer and Chemist, when any matter is especially referred to the two last-named officers by the Board. All reports and communications to the Board from its officers and employés must be in writing, and addressed to the Sec-

retary, who shall present them to the Board at the first meeting after the same are received. All communications and reports forwarded to the Board by the Sanitary Superintendent, or the Assistant Sanitary Superintendent in Brooklyn, must be officially endorsed by said officers, with their recommendation or opinion upon the subject-matter thereof.

Office Hours.

18. All subordinates, whose duties are at the offices in New York and Brooklyn, shall be required to be on duty from 9 A. M. to 4 P. M.

19. The Sanitary Superintendent, the Assistant Superintendents, and the Sanitary Inspectors, shall be considered always on duty.

Treasurer.

20. The Treasurer shall pay, monthly, the salaries of all persons in the employ of this Board.

Leave of Absence.

21. Leave of absence may be granted by the President, to any officer or employé of the Board, for a period not to exceed seven days, but the same must be in writing, filed with the Secretary, and reported at the next meeting of the Board. The applications of clerks, inspectors, and employés, for leave of absence, must be approved by their superior officers respectively.

Permits.

22. All applications for permits, and all reports thereon, shall, before presentation to this Board, be examined by the Sanitary Superintendent, who shall forward the same, accompanied by his opinion in writing.

23. All permits required or authorized by the Code of Health Ordinances or otherwise, unless authorized to be given by some officer, must be expressly authorized by the

Board, and shall be countersigned by the Secretary or Chief Clerk.

24. Persons desirous of procuring a permit to slaughter animals at any place where slaughtering is not carried on, shall advertise in three daily morning journals, twice a week for two weeks, their intention of applying to the Board of Health for a permit at a specified time, giving in said advertisement the location proposed.

25. No vessel or ship arriving at the Port of New York with emigrant passengers on board, or arriving at said port from a place where disease, subject to quarantine, existed at the time of the departure of said ship or vessel, or which shall have arrived at any such place and proceeded thence to New York, shall receive a permit from the Board of Health to come to the docks of New York or Brooklyn, until the Sanitary Superintendent, or the Assistant Sanitary Superintendent for Brooklyn, as the said ship or vessel may desire to proceed to the one city or the other, as the case may be, shall, in person or by some Sanitary Inspector, have boarded said ship or vessel, and examined carefully every person on board, and become satisfied, from such examination, that there is no person on board of said ship or vessel having any contagious or infectious disease, which might be communi cated to any other person or persons.

Counsel.

26. The Counsel shall have a general supervision and responsibility in regard to the legal business of the Board.

Sanitary Superintendent.

27. A chief executive office is hereby created, to be called "The Office of Sanitary Superintendent."

28. The Superintendent and Assistant Superintendents shall severally devote their entire time to the service of the Board; they shall be in attendance at their respective offices of the Board in New York and Brooklyn, each day during

the designated official hours of this Board (9 o'clock A. M. to 4 P. M.), unless absent on duties pertaining to their offices, and they shall hold no other office, nor any place of profit or emolument, without the express permission of the Board.

29. All complaints, not requiring immediate action of the Board, shall be referred to the Sanitary Superintendent for investigation, and he shall report upon the same to this Board.

30. The Sanitary Superintendent shall communicate to the Board, from time to time, the facts that may come to his knowledge, showing, in his opinion, any delinquency or omission in the discharge of duty on the part of any officer, agent, or employé, subordinate to him.

31. The Sanitary Superintendent in New York, and the Assistant Superintendent in Brooklyn, shall report to this Board for its action the name and position, with the facts as to danger to health therefrom, and the names of the owners and consignees of any vessel that shall come within less than (300) three hundred feet of any dock in either of said cities, without first having obtained a permit from the Board.

32. The Sanitary Superintendent shall require strict compliance by the Night Scavengers with the second rule on their licenses, viz.: No scavenger shall empty or remove the contents of any sink, vault, privy, or cesspool, before the contents thereof shall have been thoroughly disinfected.

33. The Superintendent shall present a monthly tabulated statement to the Board of all orders modified, suspended, or delayed, during the month, together with the causes for such modification, suspension, or delay.

Burials.

34. All permits for the removal of the body of any deceased person from the city of New York for interment, and all burial permits, and permits for the disinterment of the remains of deceased persons in the city of New York, shall be granted and signed by the Sanitary Superintendent.

35. All permits for the removal of the body of any deceased person from the city of Brooklyn for interment, and all burial permits, and permits for the disinterment of the remains of deceased persons in the city of Brooklyn, shall be granted and signed by the Assistant Sanitary Superintendent of Brooklyn.

36. A clerk, designated as "Register Clerk," shall be appointed, who shall, under the Secretary and the immediate supervision of the Superintendent, have charge of the records and papers of this Board relating to the registration of births, marriages, and deaths, in the city of New York, and shall, except as herein otherwise provided, perform all the clerical duties required in respect thereto.

37. A clerk, to be designated as "Deputy Register Clerk," shall be appointed, who shall, under the Secretary and the immediate supervision of the Assistant Superintendent for Brooklyn, have charge of the records and papers of this Board relating to the registration of births, marriages, and deaths, in the city of Brooklyn, and shall perform in Brooklyn the duties hereinbefore prescribed for the Register Clerk in New York.

38. Any weekly list of deaths, or of deaths occurring in any designated period of time, which by any law or ordinance may be required to be published, shall be published under the direction of the Sanitary Superintendent in New York and the Assistant Sanitary Superintendent in Brooklyn.

39. The Assistant Sanitary Superintendent in Brooklyn shall supply weekly, to the reporters of the press, upon their application at his office, a mortuary record, with tabular statements, of the nativity, age, sex, and causes of the deaths of all persons becoming deceased during such interval, within the limits of the city, the publication of the same being without charge to this Board.

Inspectors.

40. The Inspectors will keep constantly in mind the great good to society, and the scientific value of the knowl-

edge expected to be gained, by the present system of Health Police. It is desirable that they should take especial interest in all sanitary questions, and keep themselves informed of what is being done at home and abroad relative to the causes which affect health or disease.

41. Inspectors will be held to a strict accountability. They will be subject to the immediate control of the Superintendent, obey orders with promptness, and relinquish the demands of private business, in order the better to observe the obligations imposed upon them by their office.

42. They shall present themselves at the office of the Superintendent, or of the Assistant Superintendent in Brooklyn, as often as is required by them, to receive orders and to make reports; nor are they to consider that their duties are limited to the districts to which they may have been assigned, but that they are bound to leave their districts and to examine into complaints or sickness elsewhere, whenever the Superintendent or Assistant may deem it advisable thus to employ them. They are to watch over all cases of fever and small-pox, and, if the patients are removed, to follow them with proper supervision.

43. Any gross delinquency on the part of the Inspectors will justify the Superintendent, or Assistant Superintendent, in Brooklyn, in suspending them from duty until action is taken by the Board, when the delinquent may be censured or dismissed.

44. All the forms for making reports must be filled up legibly and minutely, and any information added that will throw light on the subject under investigation.

45. They shall wear their badges prominently displayed when engaged in their official duties. On entering any house or premises they must announce their authority and the object of their visit, and, while endeavoring to avoid giving offence, must make their investigations minutely.

46. If resistance is offered to the performance of their duties, they are at once to report the fact to the Superintend-

ent or his Assistant, and await instructions. They will likewise report all who violate the Health Laws.

47. Whenever two Sanitary Inspectors shall report in writing that any person is sick of any contagious or infectious disease, under such circumstances that the continuance of such sick person in the place where he or she is, is dangerous to the lives of other persons residing in the neighborhood, the Superintendent, or, in Brooklyn, the Assistant Superintendent, shall, if he has reason to believe there is ground for so doing, in some proper manner cause the removal of such sick person to Ward's Island Hospital, or to the hospitals under the charge of the Commissioners of Charities and Correction, or in Brooklyn, to the King's County Almshouse, as may be proper.

48. Sanitary Inspectors and Assistant Inspectors shall devote at least eight hours on an average each day to the duties of their offices, and as much additional time as the Board may from time to time direct; they shall report to the Superintendent, weekly, the number of hours devoted daily to inspections, the number of hours to preparing the reports, and the number of hours spent in visiting the Central Office in New York and Brooklyn; they shall immediately and without delay report upon all special cases referred to them, and shall in no case allow any business or employment to prevent such inspection and report; they shall hold no other office, nor place of profit or emolument, without the express permission of the Board, and shall be at all times at the call of the Superintendent or Assistant Superintendent.

49. The Sanitary Superintendent shall add to his regular weekly report of the aggregate amount of duty performed by the Sanitary Inspectors and Assistant Sanitary Inspectors of the cities of New York and Brooklyn, a tabulated statement giving the name of each Inspector, the limits of his district, the amount of duty performed by him on each successive day, with the specific hours occupied in such duty, and the character of the duty.

Said tabulated statement shall be made up from the reports forwarded by the Sanitary Inspectors and Assistant Sanitary Inspectors, and from their statements, severally taken before the Sanitary Superintendent, and by him certified to as personally examined and found to be accurate, to the best of his knowledge and belief.

Such portion of said tabulated statement as may refer to the Inspectors on duty in the city of Brooklyn shall be made up and certified to, in like manner and in like form, by the Assistant Sanitary Superintendent in Brooklyn, and forwarded by him on Monday of each week to the Sanitary Superintendent, and by the Superintendent to this Board, at its next meeting, with his approval.

Engineer.

50. The Engineer shall have a general charge and responsibility in respect to the engineering duties of the Board. In all cases, where any matter requires the attention of an engineer, the same, with any papers relating thereto, shall be at once referred by the Superintendent to the Sanitary Engineer, and he shall report the full details as to what is needed in the several cases, including size and material, and the proper mode of construction, and the precise nature of repairs, the mode of ventilation to be adopted, and similar information proper in such cases.

Attorney and Assistant-Attorney.

51. All suits are to be under the immediate supervision of the Attorney, subject to the advice of the Counsel.

52. It shall be the duty of the Attorney and Assistant-Attorney of the Board, respectively, on advice with the Counsel, to take the proper measures for perfecting the lien for all expenses for which any person is liable, and has not paid within fifteen days after the same have become payable, or, after final action, on any appeal in respect thereto, to any said officer, or to this Board. And they shall, in writing, inform

the Secretary of the filing of all papers to secure a lien under any order; and they shall institute such suits, under advice of the Counsel, as the Board may order. And said Attorney and Assistant-Attorney respectively shall, once in three months, make a report, in writing, to this Board, of all suits (giving the names of the defendants, and for what brought) instituted by them in the name of this Board; of all suits decided or settled; of the number and classes of suits and legal proceedings commenced against the Board since the last report, and of all moneys by them collected or paid to the Treasurer, of the dates of collection and of payment to the Treasurer, and of the amounts, and the particulars thereof, by them paid out during the last quarter; and shall, once in each month, pay over to the Treasurer any money in their hands collected or received for the Board during the preceding month, whether in suits or otherwise. And at the end of each year they shall report all suits and legal proceedings, giving their title, and the progress made therein, to which the Board is a party.

53. Whenever the Attorney or Assistant-Attorney shall be ordered to commence actions in the name of this Board, against the owner, lessee, or agent of any premises for violation of the provisions of Chapter 908, Laws of 1867, known as the "Tenement House Act," a notice of fifteen days shall be given to said owner, lessee, or agent, previous to the commencement of the suit; the form of said notice to be prepared under the supervision of the Committee on Law and Ordinances.

54. The Attorney shall, for his salary, do all the Attorney's business of the Board (except in Kings County). He is to pay to the Treasurer all sums received by him, as costs, in all suits ordered by the Board on and after the 2d of March, 1868; all expenses attending each suit, for witnesses, etc., to be paid by the Board.

The Attorney of the Board shall be paid per diem (and incidental expenses, to be audited by the Treasurer), when

he shall be called out of the city of New York or Brooklyn, on the business of the Board.

55. The Assistant-Attorney for Kings County shall, for his salary, attend to all the legal business required of him by the Board in Kings County; all costs in suits received by said Assistant-Attorney to be paid to the Treasurer of the Board.

Chemist.

56. The Chemist for the Board shall incur no expense, except when authorized by the Board, and shall keep accurate records of his investigations.

57. The Chemist shall, without the consent of the Board, use his official title only in his communications to, or correspondence in behalf of, the Board.

Execution of Orders, Judgments, etc.

58. The execution of the orders of this Board, by and under the direction of the Sanitary Superintendent, shall, except when specially directed, be discontinued, and actions for penalties shall be commenced by the Attorney, or Assistant-Attorney, in the name of this Board, in all cases in which its orders are not complied with.

59. No order of the Board shall be suspended or modified by any of its officers, except as provided in Section 6, Chapter 686, Laws of 1866; such suspension and modification shall be granted only on recommendation of the Superintendent.

60. The Engineer is authorized to audit, apportion, and certify accounts for work done under orders of this Board, which are a charge against the owners, part-owners, lessees, or tenants of the premises, or against the persons interested in the premises, or whose duty it was to do the thing ordered done.

61. An account shall be kept by the Secretary in the books of this Board, of the time and place of the execution

of each order executed by, or under any person acting under, or in the employment of the Board; and in such account shall be entered the date of giving out the order for execution, the name of the Foreman, or person under whom the same was executed, and the expense and date of such execution, the date and amount of any bill for the expenses thereof (the same to bear the same number as the order), the date of rendering the same (or sending the same to the Treasurer), and the amount and date of any collection, and whether by suit or otherwise.

The bill shall be made out in the office of the Secretary, and copies thereof be sent to the office of the Treasurer, to be there entered, rendered, and collected.

62. The Treasurer shall enter in his books the date of receiving, and the amount of any such bill, of which a copy shall be received from the Secretary, and the number of the order to which it relates. He shall cause the same to be duly rendered, and, so far as possible, to be speedily collected. The amounts and dates of all such collections, and from whom made, and of all reductions of any bill authorized by the regulations of this Board, and when and by whom made, shall also be entered in the Treasurer's books. He shall, at the first regular meeting in each month, report to this Board: (1) the number and amount of all such bills received for collection during the past month; (2) the respective number of any bill that has been reduced, and the amount of such reduction, and by whom made; (3) the amount of all collections, and from whom, and on what bills, and how otherwise made, and the amount, and the number and date of bills rendered and remaining unpaid; and (4) what amounts, to whom, and on account of what orders, he advises that any and what sums should be paid for work done under any and what orders; (5) to what persons, at what date, and in what amount, he has made payment to any person by reason of work done in executing any and what orders, or other claim.

But no payment aforesaid shall be made by the Treasurer, save as authorized by a vote of this Board, and for each payment the Treasurer shall take an adequate receipt.

63. It shall be the duty of the Secretary of this Board to see that an affidavit be made, and filed in the form provided by this Board, and as intended by the 18th Section of the 956th Chapter of the Laws of 1867; and that there are therein stated, with fairness and accuracy, the expenses of such execution.

64. A like account in all respects shall also be kept relative to executing any judgment which may in like manner be executed.

65. When any such judgment or order shall relate to several lots or buildings belonging to different persons, and the same shall have been executed, and the expense of such execution ascertained, the Engineer shall justly apportion said expenses to each lot or building separately owned, and against the owners thereof; and such officer shall, before making such apportionment, cause an affidavit to be made by "some person who took part in or had charge of such execution," which affidavit shall contain facts enabling him to make such apportionment, and the apportionment shall be made in the form approved by this Board.

66. Whenever any order of this Board shall have been executed, for which a claim for the reimbursement of the expenses thereof is to be made, it shall be the duty of the Treasurer of this Board or the person having had charge of the execution thereof, to speedily render, or cause to be rendered, to the several persons of whom reimbursement is to be claimed (but nothing herein stated shall give such person any right to demand the same), a bill stating the expenses of such execution according to the facts. Such bill shall contain a printed heading which shall state: (1) that payment of such amount is required to be made to the Treasurer of this Board (or other authorized person) within ten days of the date of such bill; (2) that, if the amount of such

bill is claimed to be excessive, or the apportionment unfair, application may be made to the Superintendent or Engineer of this Board (and in Brooklyn, to the Assistant Sanitary Superintendent), for a reduction of said bill within said ten days—Section 18, of Chapter 956, Laws, 1867—(3) that, in case of a failure to pay said amount (or as the same may be reduced), the parties responsible will be liable to suit for such amount (or reduced amount), and also for a penalty of fifty dollars in addition, by reason of having failed to fulfil the order under which such expenses were incurred; (4) that such expenses will be a lien on property and rent, all according to Section 6, subd. 7, and the Sections 13th and 18th, and other sections of the 956th Chapter of the Laws of 1867, and the 74th and 686th Chapter of the Laws of 1866; (5) that any party so complaining, if such officer do not adjust such amount or apportionment satisfactorily, may be heard before the next regular meeting of the Board of Health (of which such party must take notice), when the matter in dispute will be adjusted and decided by said Board; that it shall be the duty of the officer before whom any such complaint concerning any bill or apportionment is made (as in these regulations authorized), if convinced himself of the fairness of such bill or apportionment, to satisfy the party complaining of the same of its fairness, and to advise present payment of such bills; but, in cases when he thinks it just or advisable, in order to secure such present payment, he may write, and shall state on the face thereof, and sign his name to, a statement that the same will be satisfied by the payment, within twenty-four hours thereafter, of the sum, in such writing to be named, reducing such apportionment or charge; but no reduction shall be valid if exceeding ten per cent. of the face of such bill or apportionment. And every reduction shall, by the officer making the same, be at once, in writing, stated to the Secretary, in order that the same may be noted on the records of the Board, and the Secretary shall enter the same in his books, and report such

reduction to the next meeting of the Board. And no reduction shall be of any effect if payment be not made of the bill, as reduced, within twenty-four hours after such reduction. And if such officer fail to adjust such bill or apportionment on any complaint relating to any bill or apportionment, the party complaining may apply for a correction of any such bill or apportionment at the next regular meeting of this Board, of which he must take notice, when he can be fully heard, personally or by counsel, as to any complaint he may then and there make to the Board, and have justice done in the premises.

67. It shall be the duty of the Engineer of the Board to make the necessary arrangements, in accordance with these regulations, for the prompt execution of such orders as shall be transmitted to him for that purpose by the Sanitary Superintendent, to see that such contracts or arrangements are properly carried out, and to furnish to the Secretary all the facts and information needed to enable him to keep full records regarding the same.

When orders are directed to be executed, those having reference simply to cleansing, whitewashing, disinfection, and minor repairs, may be executed by the Superintendent directly; and those relating to scavenging, the Superintendent may continue to execute through the agency of the Captain of the Sanitary Company of Police.

68. Whenever any arrangement or contract shall be made (and none can be made on any subject by any officer or officers, or committee, except pursuant to the express authority of the Board), with any person for the execution of any judgment or order, or for doing any work or incurring any expense, the same, or a memorandum thereof, shall be made in writing, and signed by the contracting party, and a copy of the 67th and 68th Sections of these Regulations shall be attached thereto; and said sections, and the following conditions, shall be deemed a part of every such contract, memorandum, and agreement:

(1.) That all prices and charges shall be fair and reasonable, and the work shall be well done, and the material used shall be good.

(2.) That all work and examination shall be promptly and regularly proceeded with, and shall be allowed to give no unnecessary trouble to parties affected thereby.

(3.) That the Board of Health will not be responsible, as the principal or otherwise, for or on account of any such contractor, or his employés, as being their principals or otherwise.

(4.) That the prices and compensation for all work and material, will be subject to the same apportionment, adjustment, and appeal, as said regulations provide for when such work may be done, or material furnished by the Board, or under its officers.

(5.) That the execution of the work will be subject to the supervision and reasonable directions of the Engineer, Superintendent, and Assistant-Superintendent of this Board, and at any stage of such execution the same may be suspended by order of the Superintendent.

(6.) That the contractor shall make like affidavits (save as the Board may direct them modified), as is provided for in these regulations; and bills for his work shall be rendered by the Treasurer, as they may be properly made up by the Secretary, as herein provided as to other bills.

(7.) That in case suits become necessary to collect bills, the Board will have its option to assume and pay the proper bills, or to assign the claims for penalties to the contractors.

(8.) That in no event will the Board be liable to pay any bill, save as any contract specially approved by the Board shall specifically provide.

69. The Sanitary Superintendent, and, for the City of Brooklyn, the Assistant Sanitary Superintendent, shall, once in each month, make a written report of all orders executed during the past month; and the Engineer, and every officer under whom any work shall have been done,

shall prepare and forward to the Sanitary Superintendent, for transmittal to the Board, monthly returns, giving the number of each order executed, the premises to which said orders respectively refer, and, in each case, the character of the work done, the number and names of the men employed, the materials used, and the expense involved, and such other details as may in any case be of importance.

70. The Superintendent shall make a weekly report of any orders executed under his direction, stating the street and number, and, when known, the owner and occupant of the premises to which said order related, and of what the execution thereof consisted, and the date of such execution.

71. It shall be the duty of the Superintendent to cause a correct account to be kept, and made up, and sworn to, of the expense of executing said orders respectively, and the same shall be filed with the other papers relating to said respective orders; a duplicate of said account of expenses shall be furnished the Treasurer, and the Treasurer shall promptly demand payment of such expenses of the proper parties.

Disinfecting Department.

72. The organization of this department shall be as follows:

1st. A Bookkeeper shall be appointed by the Board, who shall be responsible to the Treasurer for the keeping of all the accounts of the department correctly.

2d. A Foreman shall be appointed by the Board, to be under the direction of the Sanitary Superintendent, who shall oversee all work, and keep accurate accounts of the labor done by each employé, and the date and place of doing the same.

3d. The roll shall be called every morning before commencing work, and every evening after the day's labor is finished, and the Bookkeeper, as well as the Foreman, shall be present on these occasions, and note and record who was present.

4th. On pay days, the amount of money required shall be made known in writing to the Treasurer by the Bookkeeper, and the Treasurer of the Board shall send some clerk from his office to pay the men in the presence of the Foreman and Bookkeeper, and each person on being paid shall give a receipt for the same to said clerk, which shall be preserved by the Treasurer.

Board of Metropolitan Police.

73. The Board of Metropolitan Police is requested to execute and enforce the orders of the Metropolitan Board of Health, in relation to cleanliness and the preservation of life and health, through such of its officers and organizations as shall be selected by said Board of Metropolitan Police.

74. The Board of Metropolitan Police is hereby required to execute each and all orders made, and that may be made by this Board, under Section 14 of Chapter 74 of the Session Laws of 1866, or laws amending the same, and to serve each and every notice required by said act to be served as preliminary to the execution of, or in part execution of, every and all of such orders.

75. The Board of Metropolitan Police is requested to ascertain and report to the Metropolitan Board of Health, once in each week, the streets and parts of streets, wharves, bulkheads, and piers, not cleaned in the cities of New York and Brooklyn, in pursuance of contracts for street-cleaning in the respective cities.

76. The Board of Metropolitan Police is requested to aid in enforcing the provisions of the Code of Sanitary Ordinances, as they now stand, or may be hereafter amended, and to cause the attention of patrolmen to be called to its provisions.

77. Bowen G. Lord, Captain of the Sanitary Company of Metropolitan Police, is hereby authorized, under the direction of the Board of Metropolitan Police, and by means of the

police force of his Company, to make inspection and investigation of, and in relation to, any and all matters enumerated in Section 14 of Chapter 74 of the Session Laws of 1866, and report daily, for the information and action of this Board, any and all of such matters as are in a condition detrimental to life or health, with the location thereof, and the names of the owners, occupants, lessees, and tenants, so far as the same can be ascertained.

78. The Board of Metropolitan Police is requested to direct that all reports of nuisances emanating from their offices be made on the blank form provided by the Sanitary Superintendent.

79. In cases where the orders of the Board of Health, or its authorized officers, shall be performed or executed by the Board of Police, or any of its officers, or members of the police force, the Board of Health will be responsible to defend and save harmless said Board of Police, its officers and members of the force, from all pecuniary responsibility, damages, costs, and expenses.

Amendments.

80. These regulations shall not be altered, nor shall any of them be repealed, nor any new regulation be made, unless pursuant to a notice of a motion for a new regulation, or to alter or repeal, entered on the minutes at some prior regular adjourned meeting, or by a concurring vote of at least six members at some regular meeting of the Board.

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CODE

OF

SANITARY ORDINANCES,

AND

RULES AND SANITARY REGULATIONS.

At a meeting of the METROPOLITAN BOARD OF HEALTH, held at its office, at No. 301 Mott street, in the city of New York, on the twentieth day of April, 1866,

Said Board made and adopted a "Code of Health Ordinances," * and made certain "Sanitary Regulations" (in addition to other regulations), and made and issued several "Orders" and "Rules" (the said orders, rules, and sanitary regulations being the several sections of said Code), and numbered consecutively from section one to section one hundred and sixty-five inclusive; all as the seventy-fourth and six hundred and eighty-sixth chapters of the Laws of 1866, in that behalf provide. And at a meeting of the said Board, held at said place on the eleventh day of July, 1867, the following sections were amended, namely: Sections one, three, four, five, seven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-eight, thirty, thirty-four, thirty-five, thirty-six, thirty-eight, thirty-nine, forty-three, forty-five, forty-six, forty-seven, forty-nine, fifty, fifty-one, fifty-two, fifty-six, fifty-seven, fifty-nine,

* Chapter 956 of the Laws of 1867, § 10, provides that the "Code of Health Ordinances" shall hereafter be designated as the "Code of Sanitary Ordinances."

sixty, sixty-two, sixty-three, sixty-five, sixty-seven, sixty-eight, seventy, seventy-one, seventy-three, seventy-five, seventy-six, seventy-seven, seventy-eight, eighty, eighty-five, eighty-seven, eighty-nine, ninety, ninety-one, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and three, one hundrd and seven, one hundred and eight, one hundred and twelve, one hundred and thirteen, one hundred and eighteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-eight, one hundred and forty, one hundred and forty-one, one hundred and forty-five, one hundred and forty-six, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-seven, one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, and one hundred and sixty-five; and sections six, eight, nine, ten, eleven, fifty-eight, one hundred and twenty-seven, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-seven, one hundred and fifty, and one hundred and fifty-four were repealed, and three additional sections, numbered sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight, were passed; and the following are the sections of said Code as they read after such amendment, repeal, and enactment:

SECTION 1. That the term "District," and "said District," and "this District," whenever used herein, shall be held to mean the "Metropolitan Sanitary District of the State of New York;" that the word "Board," "this Board," and "said Board," shall be held to mean the "Metropolitan Board of Health;" that the words "person," "owner," "tenant," "lessee," "occupant," "contractor," "party," "manager," "Board," and "officer," shall respectively be held to apply to and include, both jointly and severally, each and all owners, part owners, tenants, lessees, occupants, managers, contractors, parties in interest, persons, officers, boards, and corpo-

rations, who may sustain the relations, or may be in like position of any one or more thereof referred to in any ordinance or regulation; that every order, ordinance, or regulation declared applicable to the built-up portion of New York or Brooklyn, shall, so far as the subject matter thereof is applicable (save as to interments), and so far as this Board has authority to make the same, be held to include and apply to the built-up portions of every city and village within said District; that every word or phrase anywhere herein defined shall be held to include the same sense wherever used; that the word "regulations" shall be held to include "special regulations" (which latter will be from time to time issued, and will contain more detailed provisions than can be herein conveniently set forth); that the word "permit" shall be construed to mean the permission in writing of this Board, issued according to its by-laws, rules, and regulations; and that every "report" herein required shall be held to be a report in writing, signed by the person (and indicating his official position) who makes the same; that the word "light," or "lighted," shall be held to refer to natural, external light; and that all words and phrases herein defined shall also include their usual and natural meanings, as well as those herein especially given.

SEC. 2. That no person shall carelessly or negligently do, or advise, or contribute to the doing of any act or thing dangerous to the life, or detrimental to the health of any human being; nor shall any person knowingly do, or advise, or contribute to the doing of any such act or thing (not actually authorized by law), except with justifiable motives and for adequate reasons; nor shall any person omit to do any act, or to take any precaution, reasonable and proper, to prevent or remove danger or detriment to the life or health of any human being.

SEC. 3. That no doctor, druggist, or other person shall make, sell, put up, prepare, or administer any prescription, decoction, or medicine under any deceptive or fraudulent name, direction, or pretence; nor shall any false or deceptive representation be made by any person to any other as to the kind, quality, purpose, or effect of any such or other drug, medi-

cine, decoction, drink, or other article offered or intended to be taken as food or medicine.

SEC. 4. That no poisonous medicine, decoction, or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use thereof; nor shall any bottle, box, parcel, or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person who the party delivering the same has reason to think intends it for any illegal or improper use or purpose.

SEC. 5. That no person shall make, offer, or have for sale, or keep at any place of sale, any "poisonous, unwholesome, deleterious, or adulterated drugs, medicines, or food," or in respect thereto omit any act or thing required, or do any act forbidden by any law or health regulation of this State applicable in any part of this District.

SEC. 7. That the Inspectors of this Board, and its proper officers and agents, shall make the inspections and examinations required by law; that the Board of Police do execute and cause to be executed all the orders of this Board, unless the contrary shall be specially ordered, including these orders and the other several orders already and those hereafter to be made; and all persons are hereby forbidden to interfere with or obstruct said inspection, examination, or execution.

SEC. 12. That no person, officer, or Board within said district (except this Board or its proper officers, and as its regulations shall provide), shall grant, sign, or deliver any Certificate or "Bill of Health."

SEC. 13. That every clergyman, magistrate, and other person who may perform a marriage ceremony, shall make and keep a registry of the marriage celebrated, and therein enter the full names of the parties married, and the residence, age, and condition of each: and every physician, midwife, and other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place, ward, and street number of

such birth, and the sex and color of every child born, and the names and residence of each of the parents (so far as the foregoing facts can be ascertained); and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof, and specifying the date, hour, place and street number of such death.

SEC. 14. That it shall be the duty of every person mentioned in the last section, or required to make or keep any such register, to present to this Board a copy of such register, signed by such person, or a written statement, by him signed, of all the facts in said register required to be entered, within five days after the birth or marriage, and within thirty-six hours after the death of any person to whom such registry may or should relate.

SEC. 15. That every clerk, officer, and person within said District, required by the one hundred and fifty-second (152) chapter of the Laws of 1847, or by the three hundred and eightieth (380) chapter of the Laws of 1864, to make or preserve any entry, registry, record, or certificate, as to births, deaths, or marriages, shall send, or cause to be sent, to this Board, within five days after knowledge of the birth, death, or marriage, a full and true statement in writing, containing all the particulars in respect thereto (so far as reasonably ascertainable), which, in any other section hereof, are required to be stated by any person relative to any birth, death, or marriage.

SEC. 16. That every person therein referred to shall perform the acts required in the following provisions of the section 13 of chapter 74 of the Laws of 1866, to wit:

"It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said District (and if there be no parent alive that has made such report, then of the next of kin of such child born), and of every person present at such birth, within five days after such birth or death, to report to

said Board in writing, so far as known, the date, ward, and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity, last occupation, and cause of death of such deceased person, and the ward and street, and place of such person's death and last residence."

SEC. 17. At least two hours before the holding of any inquest, within the County of New York or Kings, upon a dead body, the coroner who has been notified of any death, or who may propose or intend to hold such inquest, shall transmit and cause to be delivered to the Sanitary Superintendent a written notice containing the following facts, so far as known or reported to any such coroner:

1. The fact of any such call for the holding of an inquest, and by whom made, and when and from whom received by the coroner.

2. The place (giving the street and street number, and if there be none, then other particulars) where the body is.

3. What is reported to be the cause of the death.

4. When and where the death took place, and where the body has since been.

5. When and where he proposes to hold the inquest, giving the street, the street number, and the hour.

6. What physician, or physicians, or other professional person last attended such deceased person, or attended such person within forty-eight hours of such decease.

And all such returns, reports, and notices in and for the County of Kings, shall be made or given to the Assistant Sanitary Superintendent in Brooklyn.

At any time after the commencement of any inquest, the coroner holding, or who should hold, or who held such inquest, shall within twelve hours after the receipt of a written request so to do from the Sanitary Superintendent, or in Brooklyn the Assistant Sanitary Superintendent, answer in writing such of the following or such other questions as may be propounded to him by the Superintendent or Assistant Superintendent, to the best of his knowledge, information, and belief.

Report of Coroner [*here insert coroner's name*] upon the

body of [*here fill in name or description of deceased*], on the [*here fill in year, month, and day*], at [*here mention street number and city*].

1. What were the age, sex, and last occupation, residence, and nativity, of such deceased person?

2. At what house or place, and in or near what street or avenue, at what number therein, did such deceased person die?

3. If such person died of any poison, when and where was the same administered, and what was the kind of poison?

4. If such person died of violence, when and where was the same committed, and upon what part of the body and organs, and of what did it consist?

5. If such person died of any other cause, state such cause, and when and where the cause took effect upon, or was received by the deceased?

6. Who was last in care of or with such deceased person, and at what place and at what time before death, and when, giving the full name and residence of each such person?

7. What were the name and residence of the physician and persons who last attended, and of each physician and person who within forty-eight hours of such death attended upon such deceased person, and where did he so attend; and whether said physician was notified, or attended and was examined at such inquest?

8. The times, places, and dates of holding the inquest, and the names and residences by street number of the jurors and witnesses that attended, and dates of their attendance, and when and where the body of the deceased was present at such inquest?

9. Was any *post-mortem* examination made, and if so, when, where, and by whom, and who was present thereat?

It shall be the duty of all coroners in said District to make return to this Board of all inquisitions by them taken, except when, by law, such inquests are required to be filed elsewhere, and such return shall include the evidence taken on such inquest, and the verdict of the jury, and the full names and residences of the several jurymen.

And in all cases where the inquest may be required by law to be filed elsewhere, such coroner shall make return to this

Board of a copy of such inquest, including a copy of such evidence and verdict; and all such returns shall be made within forty-eight hours after the holding of any and every inquest.

SEC. 18. That it shall be the duty of every person who has discovered or seen the body of a dead human being, or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body, or part thereof, is not publicly known), to immediately communicate to this Board the fact of such discovery of such body, the place where and time when the same was discovered or seen, and where the same is or may be found, and any facts known by which said body may be identified, or the cause of death ascertained.

SEC. 19. That the word "physician" shall include dentists, and every other person who practises about the cure of the sick or injured, or who has the charge of, or professionally prescribes for, any person sick, injured, or diseased; that the phrase "contagious disease" shall be held to include all persons sick, affected, or attacked by or of a disease of an infectious, contagious, or pestilential nature (more especially, however, referring to the cholera, yellow fever, small-pox, diphtheria, ship, or typhus, typhoid, spotted, and scarlet fevers), but also including any new disease of an infectious, contagious, or pestilential nature, and also any other disease publicly declared by this Board dangerous to the public health; and every physician in said district shall at all times cause his or her name, office, and residence, and also his or her kind and class of practice, to be registered with this Board, and in a manner according to its regulations.

SEC. 20. That every physician shall report to this Board in writing every person (and the state of his or her disease, and his or her place of dwelling and name, if known) which such physician has prescribed for, or attended for the first time, having a contagious disease, during any part of the preceding twenty-four hours; but not more than two reports shall be required in one week concerning the same person; but every attending or practicing physician thereat must, at his peril, see that such report is or has been made by some attending physician.

SEC. 21. That every keeper of any boarding-house or lodging-house, and every inn-keeper and hotel-keeper, shall, within twenty-four hours, report in writing to this Board the same particulars in the last section required of any physician concerning any person being at any of the aforesaid houses or hotels, and attacked with any contagious disease.

SEC. 22. That the commissioners, managers, principal, or other proper head officer of each and every public or private institution in said District shall twice in each week report in writing (or cause such report by some proper and competent person to be made twice in each week) to this Board, and state therein the name, if known, and condition, and disease of any and every person being thereat, and sick of any contagious disease.

SEC. 23. That the master, chief officer, and consignee, or one of them, of every vessel, not being in quarantine, or within quarantine limits, but being within one-fourth of a mile of any dock, wharf, pier, or building in any city, village, or town in said district, shall daily report to this Board, or cause to be reported, in writing, the particulars, and shall therein state the name, disease, and condition of any person being in or on such vessel, and sick of any contagious disease.

SEC. 24. That it shall be the duty of every person knowing of any individual in said District sick of any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for, to avoid giving said disease to others), and the duty of every physician hearing of any such sick person, who he shall have reason to think requires the attention of this Board, to at once report the facts to this Board in regard to the disease, condition, and dwelling place or position of such sick person.

SEC. 25. That no person shall, within the built-up portions of any city or village, without a permit from this Board, carry or remove from one building to any other, or from any vessel to the shore, any person sick of any contagious disease, except that, outside of the built-up portions of the city of New York or Brooklyn, such removal from any building may be made pursuant to the written consent of a physician in reg-

ular practice, or of an inspector of this Board. Nor shall any person, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause or contribute to or endanger the spread of disease from any such person or from any dead body.

SEC. 26. That no captain, officer, consignee, owner, or other person in charge of any vessel (or having right and authority to prevent the same), shall remove or aid in removing from any vessel to the shore (save as legally authorized by the Health Officer of the Port of New York, and into quarantine grounds or building only) any person sick of, or person that has been exposed to and is liable very soon to develop any contagious disease, nor so remove or aid in removing any articles that have been exposed to the contagion of any such disease, except in accordance with a permit of this Board, or with its special regulations.

SEC. 27. That the keeper, lessees, tenants, and owners of every boarding-house and lodging-house shall, within six hours after the fact shall come to his or her or their knowledge, notify this Board in writing of the fact of any seafaring man or person lately from any vessel being taken sick at such house, and shall in such notice state where such sick person may be found, and from what vessel, and when he came, to the best of the knowledge of the person giving such notice.

SEC. 28. That no parent, master, or custodian of any child or minor (having power and authority to prevent), shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any other person, to the taking or to the infection of any contagious disease.

SEC. 29. That every person, being the parent or guardian, or having the care, custody, or control of any minor or other individual, shall (to the extent of any means, power, and authority of said parent, guardian, or other person, that could properly be used or exerted for such purpose) cause and procure such minor or individual to be so promptly, frequently,

and effectively vaccinated, that such minor or individual shall not take, or be liable to take the small-pox.

SEC. 30. That the Health Officer of the Port of New York, his assistants and deputies, shall at all times keep this Board informed, by weekly written reports, of the number of vessels in Quarantine, of the number of persons sick in the floating or other hospitals thereat, and of the diseases with which they are severally afflicted; he and they shall also receive into the floating hospital all cases of yellow fever found in this District; he or they shall not send or allow to return to the vicinity of any city, village, or town in this District, without the permit of this Board, any person, vessel, or article which this Board has ordered to Quarantine.

SEC. 31. That no master, charterer, consignee, or other person, shall order, bring, or allow (having power and authority to prevent) any vessel or person, or article therefrom from any infected port, nor any vessel, or person, or article therefrom liable to quarantine, according to the ninth section of the three hundred and fifty-eighth chapter of the Laws of 1863 (or under any other laws, and whether such quarantine has been made or suffered, or not), to come or be brought to any point nearer than three hundred yards of any dock or pier, or to any building on the shore of any city or village of said District, without or otherwise than according to the permit of this Board. Nor shall any vessel, or person or thing therein or therefrom, having been in quarantine, come or be brought within the last-named distance of any last-named place, without the permit or assent of this Board.

SEC. 32. That no person shall bring into any city, or into any village of this District, from any infected place or land, or take therein from any vessel lately from any infected port, or from any vessel or building in which had lately been any person sick of a contagious disease, any article or person whatsoever, nor shall any such person land or come into any such village or city without a permit of this Board; and it shall be no excuse that such person or article so offending, or the occasion of offence, has passed through quarantine, or has a permit from any other source than this Board.

SEC. 33. That every master, charterer, owner, part-owner, and consignee of any vessel or of the cargo thereof which shall be in any water in said District, unless detained in quarantine, shall at once give, or cause to be given, to this Board, written notice of any infected article or person, and of every person sick of a contagious disease, being or having within ten days been on board said vessel; and also of each and every fact and thing relative to said vessel, sick person, or cargo, or to the crew of such vessel, which any of the first-mentioned persons shall have reason to think may be useful for this Board to know, or be or become dangerous or prejudicial to life or health in said District.

SEC. 34. That every master, owner, charterer, part-owner, and consignee of any vessel that shall bring any cotton into this District between the first day of May and the first day of November of each year, shall at once report to this Board, or cause to be made in writing a report of the fact of any such cotton being in a dangerous, infected, or unsound condition, or having been exposed to any infection.

SEC. 35. That no master, charterer, owner, part-owner, or consignee of any vessel, or any other person, shall bring to any dock, pier, wharf, or building within one thousand feet thereof, in said District, or unload at any dock, building, or pier therein, or have on storage in the built-up portion of any city or village of said District, any skins, hides, rags, or similar articles or materials having been brought from any foreign country or any infected place, or from any point south of Norfolk, Virginia, without or otherwise than according to a written permit so to do from this Board; and no person shall sell, exchange, or in any way make exposure of any straw, bedding, or other articles that have been exposed to the contagion or infection of any contagious disease, or have been or are liable to communicate such disease, or have lately been on any emigrant vessel, till after the same have been adequately cleansed or disinfected.

SEC. 36. That every master and chief officer of any vessel, and every physician of, or who practised on, any vessel which shall arrive in this District from any other port, shall at once

report to this Board any facts connected with any person or thing on said vessel, or that came thereon, which he has reason to think may endanger the public health of this District; and he shall report the facts as to any person being or having been sick thereon of a contagious disease, and as to there being, or having been during the voyage, or since her arrival, any infected person or articles thereon.

SEC. 37. That the word "meat," whenever herein used, includes every part of any land animal and eggs (whether mixed or not with any other substance), and the word "fish" includes every part of any animal that lives in water, or the flesh of which is not meat, and the word "vegetable" includes every article of human consumption as food, which (not being meat, or fish, or milk) is held or offered, or intended for sale or consumption as food for human beings, at any place in said District; and all fish and meat found therein shall be deemed to be therein, and held for such sale or consumption as such food, unless the contrary be distinctly proved.

SEC. 38. The word "cattle" shall be held to include all animals, except birds, fowl, and fish, of which any part of the body is used as food; the word "butcher" shall be held to include whoever is engaged in the business of keeping, driving, or slaughtering any cattle, or in selling any meat; the words "private market" shall include every store, cellar, stand, and place (not being part of a public market) at which the business is the buying, selling, or keeping for sale, of meat, fish, or vegetables, for human food.

SEC. 39. That no person shall become, or continue, or engage as, or in the business of, a butcher, at or in any public or private market, or stand, in the city of New York or Brooklyn, in said District, without a permit therefor from this Board.

SEC. 40. That no meat, fish, birds, or fowls, or vegetable, nor any milk, not being then healthy, fresh, sound, wholesome, and safe for human food, nor any meat or fish that died by disease or accident, shall be brought within any city or village of said District, or offered or held for sale in any public or private market, as such food, anywhere in said District.

SEC. 41. That no calf, pig, or lamb, or the meat thereof, shall be brought, held, or offered for sale, as such food, in said District, which, at the date of its death (being a calf), was less than four weeks old; or (being a pig) was, when killed, not more than five weeks old; or (being a lamb), was, when killed, not more than eight weeks old. Nor shall any meagre, sickly, or unwholesome fish, birds, or fowls, be bought, held, sold, or offered for sale, as such food, in said District.

SEC. 42. That no cattle shall be killed for human food while in an overheated, feverish, or diseased condition; and all such diseased cattle, in the cities of New York and Brooklyn, and the place where found, and their disease, shall be at once reported to this Board by the owner and custodian thereof, that the proper order may be made relative thereto, or for the removal thereof from said cities.

SEC. 43. The keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowls, shall be in that manner which is, or is generally reputed or known to be, best adapted to secure and continue their safety and wholesomeness as food. * Neither the slaughtering nor the driving of cattle shall be permitted or conducted at any place in the city of New York south of Fortieth street; nor shall the slaughtering of cattle be conducted at any place in the city of New York north of said street, nor at any place in the city of Brooklyn, without a special written permit from this Board.

SEC. 44. That no cattle shall be placed or carried, while bound or tied by their legs, or bound down by their neck, in any vehicle in any city or village of said District, but shall be allowed freely to stand in such vehicle when transported, and while being therein.

† SEC. 45. No cattle, swine, pigs, or calves, shall be driven through the streets or avenues of the city of New York or

* As amended January 5, 1869.

† As amended August 20, 1868; September 17, 1868; January 5, 1869; May 5, 1869; and May 27, 1869. This ordinance is also passed pursuant to the provisions of chapter 700 of the laws of 1867.

Brooklyn, or any of them, except between the hours of eight in the evening and two hours after sunrise of the next morning; nor shall any sheep be there driven except between the hours of eight o'clock in the evening and twelve o'clock noon of the next day; nor shall more than twenty cattle, or more than one hundred and fifty hogs, or more than two hundred and fifty sheep, or lambs, be driven together; and they shall, in the city of New York, be so driven only through the following streets, that is to say:

Forty-second street, in its entire length; Forty-fifth street from First to Second avenue; Sixtieth street from Eighth to Tenth avenue; the transverse road through Central Park, at Seventy-ninth street; Ninety-second street, from Third avenue to Astoria ferry; Ninety-fourth street, from Third to Fifth avenue; One Hundred and Tenth street, from Second to Eighth avenue; One Hundred and Twenty-fifth street, from Eighth avenue to Manhattan street; Manhattan street, its entire length; First, Second, and Eleventh avenues, in their entire lengths north of Fortieth street; Third avenue, between Ninety-second street and One Hundred and Tenth street; Fifth avenue, between Seventy-ninth street and One Hundred and Tenth street; Eighth avenue, from Sixtieth street to McComb's Dam road; McComb's Dam road in its entire length; Tenth avenue, from Fortieth street to Sixtieth street; Fortieth street, from Eleventh avenue to the North River; Harlem lane, from the intersection of One Hundred and Twenty-fifth street and Eighth avenue, to the intersection of one Hundred and Tenth street and Sixth avenue.

Whenever a permit shall be or shall have been granted by the Board for any yard or slaughter-house for sheep or lambs above Fortieth street, it shall be lawful to drive sheep or lambs to the said yard or slaughter-house from some proximate point on a street or avenue on which driving is permitted, and through such street or streets as may be designated in said permit.

It shall not be lawful to drive cattle, sheep, pigs, swine, or calves, through any street or avenue south of Fortieth street, nor to slaughter any cattle, sheep, pigs, swine, or calves, south of said street; nor shall any such cattle, sheep, swine, pigs, or calves, be allowed to pass upon or across any sidewalk, or to

remain in the streets or avenues, except when being driven in accordance with this ordinance.

Cattle arriving in the city of New York by cars or boats, may be driven from the place of unloading, being north of Thirty-ninth street, to any existing cattle-yard, through the streets and avenues designated, without limit as to number, provided they are accompanied by one attendant, if composed of twenty or any less number of head; by two attendants for more than twenty and less than fifty head; by three attendants for more than fifty and less than one hundred head; and by one attendant for every additional forty head above one hundred.

Such cattle and sheep as shall arrive within the Twenty-second and Thirtieth Police Precincts by conveyances that, according to time-tables, should have arrived in season to be driven in conformity to said ordinances, but the actual arrival of which cattle or sheep has been delayed without the wrongful act of the owners of the same (or of their agents), may be driven, when they shall arrive, to any established yards above Fortieth street, upon obtaining a written permit for driving the same (out of the hours fixed by said ordinances, but otherwise in conformity thereto), at the Police Station-Houses in said Precincts, respectively, under such regulations as the Police authorities may provide.

SEC. 46. That no cattle shall be kept in any place of which the water, ventilation, and food are not sufficient and wholesome for the preservation of their health, safe condition, and wholesomeness for food.

SEC. 47. That every butcher and milk dealer, and their agents, shall allow the parties authorized by this Board to freely and fully inspect their cattle and meats, fish and vegetables, held, offered, or intended for sale, and will be expected to answer all reasonable and proper questions asked by such persons relative to the condition thereof, and of the places where such articles may be.

SEC. 48. That it shall be the duty of every person knowing of any fish, meat, fowl, birds, or vegetables, being bought, sold, or offered, or held for sale, as food for human beings, or being

in any market, public or private, in said District, and not being sound, healthy, or wholesome for such food, to forthwith report such facts, and the particulars relating thereto, to this Board, or to one of its officers or inspectors.

SEC. 49. That no meat, or dead animal, above the size of a rabbit, shall be taken to any public or private market for food until the same shall have fully cooled (and all blood shall have ceased dripping therefrom) after its killing, nor until the entrails, head (unless the same be skinned), hide, horns, and feet shall have been removed. Nor shall gut-fat, or any unwholesome or offensive matter or thing, be brought to or near any such market.

SEC. 50. That no decayed or unwholesome vegetables shall knowingly be brought into said District to be consumed or offered for sale for human food, nor shall any such articles be kept or stored therein.

SEC. 51. That no person shall, without consent of this Board, bring into said District for use as a drink for human beings, or offer or have for sale in said District, as such drink, any poisonous or deleterious liquid.

SEC. 52. That no meat, fish, vegetables, or milk, or unwholesome liquid, shall knowingly be bought, sold, held, offered for sale, labelled, or any representation made in respect thereof, under a false name or quality, or as being what the same is not, as respects wholesomeness, soundness, or safety, for food or drink.

SEC. 53. That no cased, blown, plaited, raised, stuffed, putrid, impure, or unhealthy or unwholesome meat or fish, birds, or fowl, shall be held, bought, or sold, or offered for sale for human food, or held or kept in any market, public or private, or any public place in said District.

SEC. 54. That every person, being the owner, lessee, or occupant of any room, stall, or place where any meat, fish, or vegetables, designed or held for human food, shall be stored or kept, or shall be held or offered for sale, shall put and keep such room, stall, and place, and its appurtenances, in a cleanly and wholesome condition; and every person having charge, or

interested or engaged, whether as principal or agent, in the care, or in respect to the custody or sale of any meat, fish, birds, fowl, or vegetables, designed for human food, shall put and preserve the same in a cleanly and wholesome condition, and shall not allow the same, or any part thereof, to be poisoned, infected, or rendered unsafe or unwholesome for human food.

SEC. 55. That every butcher and every person owning, leasing, or occupying any place, room, or building where any cattle have been or are killed, or dressed, and every person, being the owner, lessee, or occupant of any room, stable where any cattle may be kept, or market, public or private, and having power and authority so to do, shall cause such place, room, building, stall (and market, being private), and their yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse, and unwholesome or offensive matter to be therefrom removed, at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to; and shall also, at all times (unless some public authority prevents), keep all wood work, save floors and counters, in any building, place, or premises aforesaid, thoroughly painted or whitewashed.

SEC. 56. That no cattle shall be slaughtered, dressed, or hung, or the meat or any part thereof, within any city of said District, wholly or partly within any street, avenue, or sidewalk, or public alley or place; nor shall any blood, or dirty water, or other substance from such cattle, meat, or place of killing, or the appurtenances thereof, be allowed to run, fall, or to be in any such street, avenue, sidewalk, alley, or place.

SEC. 57. That no building occupied as a slaughter-house, or any part thereof, or any building on the same lot, shall, without a special permit from this Board, be occupied for a dwelling or lodging place; that every such building shall at all times be kept adequately and thoroughly ventilated; that no blood shall be allowed to remain therein over night; that adequate underground connection shall be made from every such building with a public sewer, and the floor of such building on which the slaughtering is done, and the yard shall be cemented and

paved so as not to absorb blood, and so as to carry all liquid into the sewers.

SEC. 59. That upon any cattle, meat, birds, fowl, fish, or vegetables being found, by any inspector or other officer of this Board, in a condition which is in his opinion unwholesome and unfit for use as human food, or in a condition or of a weight or quality in these ordinances condemned or forbidden, he shall cause the same to be examined by two reputable persons, reasonably competent to judge in respect thereto, whom he may conveniently find; and if both said persons disagree with him in opinion in respect thereto, he shall take no action, and give no order, relative to the same, till he has been instructed by the Sanitary Superintendent or his assistant; and if one or both of said persons agree with him in respect to said articles, then such inspector or officer may forbid the same being offered or exposed for sale, or being sold, for human food, till the owner or party in charge or other proper person has obtained the consent of the Sanitary Superintendent or the Assistant Superintendent, or of this Board, to their being so offered, used, or sold. And if both such persons agree with him in opinion, he may order the same to be removed; and thereupon, or if said Superintendent or the Assistant Superintendent, or this Board, shall have approved the judgment of said inspector, it shall be the duty of the owner and party in charge to speedily remove such articles from any market, street, or public place, and not to sell or dispose, or offer to sell or dispose, thereof for the purpose of human food. And in default of such removal, and also in case of disobedience to such order, and also in all cases where, in his opinion, such articles, by reason of their being in a decayed or offensive condition, would, if allowed longer to remain, be dangerous to health, the same (as this Board may provide) may be caused to be removed by any inspector, police-officer, or officer of this Board, to some suitable place, at the expense of the party who should have removed the same, and the owner and party in interest must take notice thereof.

SEC. 60. That neither the business of slaughtering cattle nor the keeping of any slaughter-house, nor the yarding of cattle, shall be begun or undertaken at any new or additional

place within the city of New York or Brooklyn, except pursuant to a permit from this Board; nor shall any person or corporation keep any slaughter-house or yard, or any cattle therein, hereafter, without a permit from this Board.

SEC. 61. That no person shall kill or dress any animal or meat in any market, nor have, or permit to escape therein, or within one hundred feet thereof, any poisonous, noxious, nauseous, or offensive substance.

SEC. 62. That no butcher or dealer shall keep in any market any refrigerator or ice-box, unless the same shall be lined with lead or some proper metallic substance, so as to be water-tight, nor unless the same be provided with a pipe, of lead, zinc, or copper, leading therefrom to the nearest gutter or proper waste-pipe.

SEC. 63. That no person engaged in the selling or keeping for sale of any fish, meat, birds, fowl, or vegetables, shall, without a permit from this Board, occupy or encroach upon any portion of any street or sidewalk, or public place in the city of New York or Brooklyn.

That no person shall, in the built-up portion of New York or Brooklyn, or adjacent thereto, sell or have for sale any fish in or from any vehicle or in any street or public place, from which all parts which are not usually cooked for food have not been removed.

SEC. 64. That the word "street," when used in these ordinances, shall be held to include avenues, sidewalks, gutters, and public alleys; and the words "public place" shall be held to include parks, piers, docks, and wharves, and water and open spaces thereto adjacent, and also public yards, grounds, and areas, and all open spaces between buildings and streets, and in view of such streets; the word "ashes" shall be held to include cinders, coal, and every thing that usually remains after fires; the word "rubbish" shall be held to include all the loose and decayed material and dirt-like substance that attends use or decay, or which accumulates from building, storing, or cleaning; the word "garbage" shall be held to include every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation,

decay, and dealing in or storage of meats, fish, fowls, birds, or vegetables; and the word "dirt" shall be held to mean natural soil, earth, and stone.

SEC. 65. That no part of the contents of or substances from any sink, privy, or cesspool, nor any manure, ashes, garbage, rubbish, or dirt, shall be by any person flung or allowed to run or drop into or remain in any street or public place, except as herein elsewhere specified; nor shall the same be thrown or allowed to fall or run into the North or East River, save through the proper underground connection.

SEC. 66. That no swill, brine, urine of animals or other offensive animal nuisance, nor any stinking, noxious liquid, or other filthy matter of any kind, shall by any person be allowed to run or fall from or out of any building, vehicle, or erection, into or upon any street or public place, or be taken or put therein, save as herein elsewhere provided.

SEC. 67. That no person shall deposit upon any street or public place within the generally built-up portion of New York or Brooklyn, or upon any paved street, any dirt or brick, or other material or dirt taken from any ground therein, in such manner as to occupy more than one hundred square feet of surface of any street or place (and the same shall be compact and at one side), nor allow the same to remain more than twelve hours, without a permit from this Board, or unless such occupancy shall be otherwise duly authorized by paramount authority. Nor shall any such substance be so deposited or allowed to remain by any person as to obstruct the free flowage along any gutter.

SEC. 68. That it shall be the duty of every owner, tenant, lessee, and occupant of any and every building or place of business in the generally built-up portions of the citiy of New York and Brooklyn, within forty days after the publication hereof, to provide or cause to be provided, and at all times thereafter to keep and cause to be kept and provided, within such building or place of business, a suitable and sufficient box, barrel, or tub, and several thereof, if needful, for receiving and holding, without leakage, and without being filled to within four inches of the top thereof, all the ashes, rubbish,

garbage, and liquid substances of whatever kind that may accumulate during thirty-six hours from said building or place of business, or the portion thereof of which such person may be the owner, tenant, lessee, or occupant; and every such box, barrel, and tub, designed to hold ashes, shall be made of or lined with some suitable metal; and all ashes, rubbish, garbage, and liquid substances that should be removed from such building and place of business, or from that part for which said receptacles were provided (and none other, without the proper consent), shall be placed therein, and no such box, barrel, or tub, shall remain on any sidewalk or in any public place longer than may be needful for the removal of the contents thereof.

SEC. 69. That such boxes, tubs, and barrels shall be placed and kept in such position (unless kept within or upon private grounds, within the sidewalks) as the inspectors or agents of this Board shall provide or the police direct; and no person, not for that purpose authorized, shall interfere therewith, or with the contents thereof.

SEC. 70. That all occupants, so preferring, may deliver their ashes, garbage, and rubbish, directly to the proper carts, to be taken away at any hour of the day when said carts may be present; and said carts may take such articles from receptacles delivered at any such hour; *provided*, that such garbage or rubbish be not highly filthy or offensive; and in the latter case, the same shall not be so delivered or received during the period from sunrise of any day till ten o'clock of the evening of the same day.

SEC. 71. That no lime, ashes, coal, dry sand, hair, feathers, or other substance that is in a similar manner liable to be blown by the wind, shall be sieved or agitated or exposed, nor shall any mat, carpet, or cloth be shaken or beaten, nor any cloth, yarn, garment, or material or substance be scoured, cleaned, or hung, nor any business be conducted over or in any street or public place, or where it, or particles therefrom, or set in motion thereby, will pass into any such street or public place, or into any occupied premises. That neither any usual nor any reasonable precaution shall be omitted by any

person to prevent fragments or other substances from falling, to the peril of life, or dust and light material flying into any street, place, or building, from any building or erection, while the same is being altered, repaired, or demolished, or otherwise.

SEC. 72. That every person who shall have paved, or caused to be paved, any street or place, shall cause all rubbish, dirt, and whatsoever else he has deposited, or allowed to be deposited on such pavement, to be removed from the several parts of such pavements within five days from the time of the same being deposited thereon. And every person who has removed any flag-stone, curb-stone, pavement-stone, or other stone, or dirt, or iron, in or from any street, sidewalk, or place, for the purpose of repairs, or for the purpose of paving, flagging, or curbing, or repairing, re-curbing, or re-flagging, or making any repairs or changes, or otherwise, shall cause the same or a proper substitute therefor to be placed or replaced and completed as soon as the same can reasonably be done.

SEC. 73. That no owner, part owner, tenant, or occupant, of any building or erection, shall allow any part thereof, or any substance therein, or any thing thereto attached, and which any such person can control or remove, to continue or remain in a position or condition that shall imperil the life or safety of any person thereat or therein, or who is or may properly be in any street or place.

SEC. 74. That no person shall take, carry, expose, or place (or induce any other person so to do), in or upon any street or public place, any substance, animal or thing, which shall imperil the life or health of any person who is or may properly be in such street or place.

SEC. 75. That no person, being owner, lessee, or tenant of any house or building, shall allow any water or other liquid to run from or out of his building, or ground, upon or across any sidewalk or curb-stone, and if such substance is allowed to pass upon any street it must reach the same by a passage, to be kept at all times adequate and in repair by such person, under or through such flag-stone or curb-stone; and no such water or other liquid, or ice therefrom, shall be allowed to

gather or remain on the upper surface of such curb, flag-stone, or passage; nor shall such person allow any accumulation of such water or liquid, or the ice therefrom, upon any street or place, but shall, at all times, cause the same to be removed, or to pass along the gutter or some proper passage to one of the rivers or into a sewer.

SEC. 76. That no butcher's offal or garbage, nor any dead animals, nor any putrid or stinking animal or vegetable matter, shall be thrown by any person or allowed to go into any street, place, sewer, or receiving basin, or into any river or standing or running water or excavation, or upon the ground or premises of any other person in the built-up portions of said District.

SEC. 77. That every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the streets along which the water will run, before using any water to wash the same; and no substance that could be before scraped away shall be washed or allowed to be carried or be put into the sewer, or into any receptacle therewith connected.

SEC. 78. That no person shall throw, or allow to run or pass into any public reservoir, water-pipe, or aqueduct, or into or upon any border or margin thereof, or excavation or stream therewith connected, any animal, vegetable, or mineral substance whatever; nor shall any person allow the same to be done (having power and right to prevent the same); nor shall any person do or permit to be done (having right or power to prevent the same) any act or thing that will impair or peril the purity or wholesomeness of any water or other fluid used or designed as a drink in any part of said District; nor shall any person bathe (nor, except in the discharge of a public duty, put) any part of his person into such water; nor shall any unauthorized person open any erection or unscrew any hydrant holding such water.

SEC. 79. That it shall be the duty of every person, officer, and Board, having any authority and control in regard to any water designed for human consumption (and within the proper sphere of the duty of each thereof), to take all usual

and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water.

SEC. 80. That it shall be the duty of every person, using, making, or having, any drain, soil-pipe, passage, or connection between any sewer (or with either the North or East River) and any ground, building, erection, or place of business, and in like manner the duty of the owner and tenant of all grounds, buildings, and erections, and of the parties interested in such place of business or the business thereat, and in like manner the duty of all Boards, officers, and persons (to the extent of the right and authority of each), to cause and require that such drain, soil-pipe, passage, and connection, shall at all times be adequate for its purpose, and shall convey and allow freely and entirely to pass whatever enters or should enter the same.

SEC. 81. That it shall be the duty of all Boards, officers, and persons having power and authority so to do or require (and to the extent thereof), to cause to be used sufficient water, and other adequate means to be taken, so that whatever substances may enter any sewer shall pass speedily along and from the same, and sufficiently far into some water or proper reservoir, so that no accumulations shall take place, and no exhalations from thence proceed, dangerous or prejudicial to life or health.

SEC. 82. That the proper officers and authorities shall, to the extent of their power and ability, cause the sewers and drainage of all cities and villages in said District to be so well located and constructed, so adequate in size, and to be so kept in repair and cleaned, and so adequately supplied with water, and with such proper arrangements and constructions in every particular, that life and health shall not be needlessly exposed, or suffer unnecessary peril or detriment by their neglect, or by reason of the defects or deficiencies of any sewers or drainage, or the want thereof.

SEC. 83. That no person shall engage in the business of a scavenger, or of transporting manure, swill, ashes, offal, rubbish, or garbage, or any offensive or noxious substance, or in driving any cart for such purpose, in the city of New York

or Brooklyn (except the persons acting under the street cleaning commissioners, or the contractors for cleaning the streets, and as this Board may provide), until he shall have first received a permit from this Board, of such form and effect as the regulations of the Board shall provide, authorizing such person so to engage.

SEC. 84. That no person shall empty, or attempt to empty, any vault, sink, privy, or cesspool, in the city of New York or Brooklyn, except pursuant to a permit therefor first received from this Board.

SEC. 85. That no vault, privy, sink, cistern, or cesspool, shall hereafter be made or rebuilt in the city of New York or Brooklyn, except in accordance with the regulations, and pursuant to a permission first obtained from this Board; nor shall any erection or cover be made or put upon, or over the same, until the same has been inspected by some person authorized by this Board, and been found to correspond to such permit and regulations; and no privy shall be built within two feet of the line of any lot.

SEC. 86. That no water-closet, sink, tub, vat, or other structure, shall hereafter be constructed within either the city of New York or Brooklyn, having connection with, or by any sewer or underground passage, unless the same is provided with adequate, or the best generally approved constructions and precautions for preventing gases and other offensive currents, substances, or smells, from passing up or out through such connection from such sewer or passage; nor shall any such water-closet or privy be constructed without adequate provisions for the effectual and proper ventilation and cleansing thereof.

SEC. 87. That no person shall draw off, or allow to run off, into any ground, street, or place of any city, the contents (or any part thereof) of any vault, privy, cistern, cesspool, or sink; nor shall any owner, tenant, or occupant, of any building to which any vault, sink, privy, or cesspool, shall appertain or be attached, permit the contents, or any part thereof, to flow therefrom, or to rise within two feet of any part of the top, or permit said contents to become offensive; nor shall

any privy, or other erection in this section mentioned, be filled with or covered with dirt till its filthy contents shall be emptied.

SEC. 88. That neither the owner, tenant, nor occupant of any building or premises, in the built-up portions of either the city of New York or Brooklyn, shall employ, cause, or permit any part of the contents of any vault, privy, sink, or cesspool (being thereon, and of which he has control), to be removed, unless according to a permit or the regulations of the Board.

SEC. 89. That no person shall throw into, or deposit in any vault, sink, privy, or cesspool, any offal, ashes, meat, fish, garbage, or other substance, except that of which any such place is the appropriate receptacle.

SEC. 90. That every tub or other receptacle in any necessary house, sink, or privy (or placed, or allowed to stand therein, by any owner, tenant, or occupant, of any building, or premises, and), used to contain any liquid or partially liquid substance, shall be sufficiently strong, perfectly tight, and adequately provided with a strong cover and with hoops and handles; shall not be allowed to be filled to within four inches of any part of the top, and shall not be allowed (or its contents) to be offensive. And the provisions of these ordinances relative to emptying cesspools, and to throwing any substance therein, shall apply to said tubs and receptacles as if here repeated and applied thereto.

And no person shall throw, drop, or allow to fall into the North or East River, or into any street or place, any substance being, or having been part of, the contents of any such vault, cesspool, privy, sink, tub, or receptacle, or any offal.

SEC. 91. That neither the contents of any such tub, or of any receptacle, cesspool, privy, vault, sink, or water-closet, cistern, nor any thing in any room, excavation, vat, building, premises, or place, shall be allowed to become a nuisance, or offensive, so as to be dangerous or prejudicial to life and health.

SEC. 92. That no cart or other vehicle for carrying any offal, swill, garbage, or rubbish, or the contents of any privy, vault,

cesspool, or sink, or having upon it or in any thing on such cart any manure, or other nauseous or offensive substance, shall, without necessity therefor, stand or remain, nor shall a needless number gather before or near any building, place of business, or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground; nor shall any such cart or vehicle, or the driver thereof, or any thing thereto appertaining, be (or by any person having a right to control the same, be allowed to be) in a condition needlessly filthy or offensive; and, when not in use, all such carts, vehicles, and all implements used in connection therewith, shall be stored and kept in some place where no needless offence shall be given to any of the people of said District.

SEC. 93. That all carts and vehicles in the last section mentioned, and boxes, tubs, and receptacles thereon, in which any substance in said section referred to may be or be carried, shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak, or spill therefrom; and that when, in the opinion of this Board, it is necessary to prevent the contents of such carts or vehicles, tubs or boxes, or receptacles from being offensive, each of such carts, tubs, and boxes, and receptacles, shall be adequately and tightly covered, as the orders or regulations of this Board may provide or direct.

SEC. 94. That no driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof, nor person engaged about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal, or the contents of any vault, sink, privy, cesspool, or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building, or premises.

SEC. 95. That no person shall allow (and it shall be the duty of every contractor and person who has ordered or procured, or is having any of the following articles carried, or who

is driving the same, to prevent) any cart or vehicle to be so fully loaded, or being in such bad condition of repair, or of such faulty construction, or being so improperly driven or managed, that any offensive liquid, or any manure, garbage, rubbish, offal, dirt, or material thereon, shall fall upon or in any place, street, or premises; and it shall be the duty of every such person to at once replace on such vehicle and remove what has so fallen.

SEC. 96. That all putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults and cesspools, and all noxious substances in the built-up portion of any city, shall, before its removal or exposure, be disinfected and rendered inoffensive by the owner, lessee, or occupant of the premises, where the same may be, or (in default of the same being so done) by the person or contractor who removes or is about to remove the same; and for all such matter so disinfected and rendered inoffensive, the person (not being such tenant, owner, or occupant) who shall so disinfect and remove the same, shall be entitled to demand and receive a compensation, to be fixed by the Board of Health, not exceeding twelve cents per cubic foot for making such disinfection and removal, to be paid by any tenant, owner, or occupant.

SEC. 97. That every cart and other vehicle hereafter constructed for or engaged about any business, or intended to be loaded with any matter or substance in the last section mentioned, shall be constructed according to these ordinances, and to the regulations and orders of this Board.

SEC. 98. That the drivers of all carts for the removal of any garbage, offal, rubbish, or dirt from any building or premises, shall give adequate notice to those dwelling in any street whose buildings or premises such cart is about to or should approach for the removal of any substance aforesaid.

* SEC. 99. That every owner, lessee, tenant, and occupant of any stall, stable, or apartment in which any horse, cattle, or swine, or any other animal shall be kept, or of any place in which manure or any liquid discharge of such animals shall

* So amended August 20, 1868.

collect or accumulate, within the built-up portion of any city or village, shall cause said liquid and manure to be so frequently removed to some proper place as to prevent any offensive accumulation, and shall at all times keep, or cause to be kept, such stalls, stables, and apartments, and the drainage yard and appurtenances thereof, in a cleanly and wholesome condition, so that no offensive smell detrimental to health shall be allowed to escape therefrom; and when within three hundred feet of any occupied dwelling-house, or of any manufactory where more than five persons are employed, the removals from the stable shall not be made, nor shall the manure or refuse from the stable be allowed to remain on any street or place near such stable, any time between eight o'clock A. M. and six o'clock P. M. Every such stall, stable, or apartment where horses or cattle are kept, shall have an underground and properly-covered manure vault of not less than sixty-four cubic feet capacity; but the Superintendent or Assistant Superintendent are respectively authorized to issue permits to be regularly reported to this Board, regulating such removal within said hours.

SEC. 100. That no pile or deposit of manure, offal, dirt, or garbage, nor any accumulation of any offensive or nauseous substance shall be made within the built-up portions of the city of New York or Brooklyn, or upon any open space inclosed within any portions thereof, or upon the piers, docks, or bulkheads adjacent thereto, or upon any open grounds near (or upon any vessel or scow other than those to be speedily, and according to the duty of any person, removed, lying at) any such pier, wharf, or bulkhead, except according to a permit obtained from this Board, and according to its regulations. And no person shall contribute to the making of any such accumulations. Nor shall any straw, hay, or other substance which has been used as bedding for animals, be placed or dried upon any street or sidewalk.

SEC. 101. That no person shall allow any swine or goat to run at large in any city, and no person shall, within the built-up portions of any city, or within one thousand feet of any residence or place of business or street thereof, keep any swine or goat, without a permit so to do from this Board.

* SEC. 102. No person shall allow any swine or goat to run at large in any city; and no person shall, within one thousand feet of any residence or place of business in any city or village, keep any swine or goat, without a permit so to do from the Board.

SEC. 103. That no cattle, sheep, horse, goat, goose, or mule, or any dangerous or offensive animal, shall be allowed by any owner, or by any person having charge of, or who should have charge of the same, to go at large in any street or public place in either of the cities of New York or Brooklyn. And no pigs, swine, or cattle shall be unloaded from any cars upon any street or public place in the city of New York, except pursuant to a written permit from this Board.

SEC. 104. That no cattle, swine, or sheep, geese, goats, or horses, shall be yarded within or adjacent to the built-up portions of either of the cities of New York or Brooklyn without the permit of this Board, or otherwise than according to its regulations.

SEC. 105. That no diseased or sickly horse, cattle, swine, sheep, dog, or cat, nor any that have been exposed to any disease that is contagious among such animals, shall be brought into the city of New York or Brooklyn.

SEC. 106. That every animal which is mad or has the hydrophobia, shall, by the person owning the same, or having the possession, charge, or control thereof, be at once killed; and every animal that has been exposed to such disease, shall be at once confined in some secure place for such length of time as to show that such exposure has not given such animal said disease, and so as to avoid all danger to life or health. And the dead body of any animal that died of such disease shall be at once, by such person, buried not less than three feet under ground, at some place not within one thousand feet of any residence.

SEC. 107. That no person shall leave in or throw into any place or street or public water, nor offensively expose or bury, the (body or any part thereof) of any dead or fatally sick or

* As amended May 19, 1869.

injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl, or fish, in a place where the same may be dangerous to the life, or detrimental to the health of any person.

SEC. 108. That any animal, being in any street or public place, within or adjacent to the built-up portions of New York or Brooklyn, and appearing in the estimation of any officer or inspector of this Board (and of two discreet citizens, called by such officer or inspector to view the same in his presence) injured or diseased, past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for such owner; or not having been removed to some private premises, or to some place designated by such officer or inspector, within one hour after being found or left in such condition, may be deprived of life by such officer or inspector, or as he may direct, and shall thereafter, unless at once removed by the owner or proper person, be treated as any other dead animal found on a street or place.

SEC. 109. That any person having a dead animal or an animal past recovery, and in an offensive condition, on his premises in any city, and not killed for and proper for use, as meat or fish, and every person whose animal, or any animal in his charge or under his control in any street or place, may die or become or be in a condition past recovery, shall at once remove or cause the removal of such animal, dead or alive, to some proper place; and when such place may be designated by any officer or inspector of this Board, to the last-named place.

SEC. 110. That no person other than the inspectors or officers of this Board or the Board of Police, or persons thereto authorized, shall in any way interfere with such dead, sick, or injured animal in any street or place, and no person shall skin or wound such animal in such street or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a policeman or an inspector or officer of this Board.

SEC. 111. That it shall be the duty of the owner, and of the person that last had or then having charge of any animal, so dead or injured or diseased, and being in any street or public place, to at once give notice thereof and of the nearest street and avenue where it may be, to some inspector or officer of this Board, or at its principal office in New York or Brooklyn, in whichever city the animal may be, unless such animal is at once removed therefrom by some proper person.

SEC. 112. No person shall obstruct, delay, or interfere with the proper and free use, for the purposes for which they may be, and should be, set apart and devoted, of any dock, pier, or bulkhead, set apart for the use of any contractor or person engaged in removing any offal, garbage, rubbish, dirt, dead animals, night soil, or other like substances, or with the proper performance of such contracts.

SEC. 113. That it shall be the duty of every contractor and person (their agents and employés) who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street sweepings, night soil, or other filthy, offensive, or noxious substance, or is engaged about any such removal, or in loading or unloading of any such substance, to do the same with dispatch, and in every particular in a manner as cleanly and little offensive, and with as little danger and prejudice to life and health as possible.

SEC. 114. That no matter or material in the section last mentioned shall lay piled up, or partially raked together, in any street or place before the removal thereof, more than a reasonable time, nor for more than four hours in the daytime, under any circumstances.

SEC. 115. That every contractor in these ordinances referred to, and every person who has contracted, or undertakes or is bound to do, or is engaged in doing any one of those things, in respect of which these ordinances contain provisions or regulations, shall comply with these ordinances, to the extent that any contract, obligation, or duty requires or permits; and no direction of any contractors or persons shall excuse him for a non-compliance with any of said ordinances.

SEC. 116. That no ship, boat, or other vessel or article,

shall be taken or allowed by any person to come into or lay to or at or within any dock, pier, bulkhead, or slip (or be placed thereon), set apart or appropriated for the use or purpose of the shipment or removal of any offal, garbage, rubbish, dirt, or dead animals, or for the use of any contractor about the removal of any of the foregoing substances, without a permit from this Board.

SEC. 117. That every proprietor, lessee, tenant, and occupant of any oyster house, oyster saloon, or other premises where any oysters, clams, lobsters, or shell or other fish are consumed, used, or sold, or where any of the refuse matter, offal, or shells thereof accumulate, shall daily cause all such shells, offal, and refuse matter to be removed therefrom to some proper place, and shall keep his house, saloon, and premises at all times free from any offensive smells or accumulations.

SEC. 118. That the owners, lessees, tenants, and managers of every blacksmith or other shop, forge, coal yard, foundry, manufactory, and premises where any busines is done, shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive. Nor shall any smoke, cinders, dust, gas, or odor be allowed to escape from any such building, place, or premises, to the detriment or annoyance of any person not being therein or thereupon engaged.

SEC. 119. That no ground or material filled with offensive matter or substance, or that will emit or allow to arise, through or from the same, any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of any city) be opened or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year, except according to a permit first therefor obtained from this Board.

SEC. 120. That no person shall permit or have any offensive water or other liquid or substance on his premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise; and no establishment or place of business for

tanning, skinning, or scouring, or for dressing hides or leather, or for carrying on any offensive or noisome trade or business, shall hereafter be opened, started, or established in the city of New York or Brooklyn, nor elsewhere in said District, in or near any city or village, without a permit of this Board. And every such establishment now existing shall be kept cleanly and wholesome, and be so conducted in every particular as not to be offensive, or prejudicial to life or health.

*SEC. 121. That no person shall boil any offal, swill, bones, or fat, in the built-up portions of any city or village, save in ordinary cooking; nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, fat boiling, gut cleaning, nor the skinning or making of glue from any dead animals, or parts thereof, nor any other occupation that is dangerous or detrimental to life or health, be hereafter established within any of said cities or villages; nor shall any person work or engage anywhere in the Metropolitan Sanitary District in any such business or occupation without a permit from this Board; and no business or pursuit of the kind in this section named shall be carried on anywhere in said District, unless the same be allowed by a permit of this Board.

SEC. 122. That no person shall have, at any place where milk, butter, or cheese, is kept for sale, nor at any place offer or have for sale, nor shall any person bring or send to any city or village, any unwholesome, watered, or adulterated milk, or milk known as swill milk, or milk from cows or other animals that for the most part lived in stables, or that fed on swill, garbage, or other like substance; nor any butter or cheese made from any such milk, nor any unwholesome butter or cheese.

SEC. 123. That no person shall keep or allow to be kept in any building or on any premises, or on grounds of which he may be the owner, lessee, tenant, or occupant, more cows or other cattle than at the rate of fifteen to an acre (in or near the built-up portions of any city or village), without a permit from this Board. And every such person shall cause every stable and place where any cows, horses, or other animals, may be, to

* As amended June 16, 1869.

be kept at all times in a cleanly and wholesome condition, and shall not allow any animal to be therein, while infected with any disease contagious or pestilential among such animals, without a permit from this Board.

SEC. 124. That every owner, lessee, tenant, and occupant of any building or lot in the built-up portions of the city of New York or Brooklyn, shall, within two hours after the fall of any snow exceeding one inch in depth, and within two hours after the forming of any ice on the sidewalk or in the gutter in front of or against the side of any such building or lot, remove, or cause the same to be removed, from such sidewalk and gutter, or in case of great difficulty in removing such ice, that every such person do sprinkle or cause to be sprinkled thereon sand or ashes, so that travelling thereon shall not be perilous; but that where said snow falls or ice forms between the hours of eight o'clock of the evening and daylight in the morning, this ordinance will be complied with by removing or sprinkling the same within two hours after sunrise of the morning succeeding its fall or formation.

SEC. 125. That every owner, tenant, lessee, and occupant of any building or lot (whether vacant or occupied), within or near the built-up portions of any city or village, shall keep and cause to be kept the sidewalk and flagging, and curbstone in front thereof, in good repair and condition; and that every such person shall keep and cause every such sidewalk to be kept free from obstructions, as well as also free from any incumbrance, and free from all substances of every kind.

SEC. 126. That no person shall take, or allow to go or be taken (having the right and ability to prevent the same), any horse or other animal, nor any vehicle, upon any sidewalk or footpath in front of any building, to the peril of any person; nor shall any person block up or obstruct any street or place, or contribute thereto.

SEC. 128. That a tenement-house shall be taken to mean and include every house, building, or portion thereof, which is rented, leased, let, or hired out to be occupied, or is occupied as the house, home, or residence, of more than three families living independently of one another, and doing their cooking

upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining. The phrase "boarding-house" shall be held to include every building, and every story and portion thereof, which is at any time or usually used, leased, or occupied, or intended so to be, by any number of persons, exceeding ten, as boarders thereat. And the word "manufactory" shall be held to include every building, and every story and portion thereof, in which any sort of labor or work is done, which calls for the continual or usual presence of several persons during several hours of the day or night engaged about said work or labor; and the word "saloon" shall be held to include every portion of any building in which the business of selling meals, liquors, drinks, or refreshments of any kind, shall be conducted, and includes concert saloons.

SEC. 131. That no person, being the manager or keeper of any saloon, boarding-house, or lodging-house, or being employed as a clerk, servant, or agent thereat, shall therein or thereat offer or have for food or drink, or to be eaten or drank, any poisonous, deleterious, or unwholesome substance, nor allow any thing therein to be done or to occur dangerous to life or prejudicial to health.

SEC. 132. That every person who shall be the owner, lessee, or keeper or manager of any boarding-house or manufactory, shall provide, or cause to be provided for the accommodation thereof, and for the use of the lodgers and boarders and workers thereat, adequate privies or water-closets, and the same shall be so adequately ventilated, and shall at all times be kept in such cleanly and wholesome condition as not to be offensive, or be dangerous, or detrimental to life or health.

And no offensive smell or gases, from or through any outlet or sewer, or through any such privy or water-closet, shall be allowed, by any person aforesaid, to pass into such house or any part thereof, or into any other house or building.

SEC. 133. That no owner, lessee, or keeper of any tenement-house, lodging-house, boarding-house, or manufactory, shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health.

SEC. 134. That every owner, lessee, and tenant and manager of any boarding-house or manufactory, shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and wholesome condition, and shall speedily cause every apartment thereof in which any person may sleep, dwell, or work, to be adequately lighted and ventilated; and, if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such temperature, and be provided with such accommodations and safeguards as not, by reason of the want thereof, or of any thing about the condition of any such manufactory or its appurtenances, to cause unnecessary danger or detriment to the life or health of any person being properly therein or thereat.

SEC. 135. That no owner or lessee of any building, or any part thereof, shall lease or let, or hire out the same, or any portion thereof, to be occupied by any person, or allow the same to be occupied as a place in which or for any one to dwell or lodge; except when said buildings or such parts thereof are lighted, ventilated, provided, and accommodated, and are in all respects in that condition of cleanliness and wholesomeness, for which these ordinances or any law of this State provide, or in which they or either of them require any such premises to be kept. Nor shall any such person rent, let, hire out, or allow, having power to prevent the same, to be used as or for a place of sleeping or residence, any portion or apartment of any building, which apartment or portion has not at least two feet of its height and space above the level of every

part of the sidewalk and curbstone of any adjacent street, nor of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation, prejudicial to health. But this section shall not prevent the leasing, renting, or occupancy of cellers or rooms less elevated than aforesaid, and as a part of any building rented or let, when they are not let or intended to be occupied or used by any person as a sleeping apartment, or as a principal or sole dwelling apartment.

SEC. 136. That no person, having the right and power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar, or in any place dangerous or prejudicial to life or health, by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive substance or otherwise.

SEC. 138. That no person shall hereafter erect, or cause to be erected or converted to a new purpose, by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to strength, ventilation, light, sewerage, or of any other usual, proper, or necessary provisions or precaution; nor shall the builder, lessee, tenant, or occupant of any such or of any other building or structure (within the right or ability of either to remedy or prevent the same), cause or allow any matter or thing to be or to be done in or about any such building or structure dangerous or prejudicial to life or health.

SEC. 139. That no interment of any dead body of any human being, or disposition thereof in any tomb, vault, or cemetery, shall be made either within the city of New York or Brooklyn, without a permit therefor granted by this Board, nor otherwise than in accordance therewith, and no sexton or other person shall assist in or assent to or allow any such interment, or aid or assist about preparing any grave or place of deposit for any such body, for which such permit has not been given authorizing the same. And it shall be the duty of every person who shall receive any such permit, to preserve and to return the same to this Board, as its regulations may require.

SEC. 140. That no new burying-ground, cemetery, tomb, or vault, for dead bodies shall be established, nor shall the remains of any dead human body be placed in any existing burying-ground, vault, tomb, or cemetery, in either of said cities, nor any of said receptacles be opened, exposed, or disturbed, except according to the terms of a permit therefor given by this Board; and every body buried in any such place shall be buried to a depth of six feet below the surface of the ground, and four feet below any closely adjacent street.

SEC. 141. That every sexton and other person having charge of any burying-ground, cemetery, tomb, or vault, in the city of New York or Brooklyn, shall, before twelve o'clock of Monday of each week, make return to this Board of the bodies and persons buried since their last return, and in such form, and specifying such particulars, as the special regulations of this Board shall require.

SEC. 142. That no captain, agent, or person having charge of or attached to any ferry-boat, sailing, or other vessel, nor any person in charge of any car, stage, or other vehicle or public or private conveyance, shall convey or allow to be conveyed thereon, or by any means aforesaid, from or in either the city of New York or Brooklyn, the dead body of any human being, or any part thereof, without a permit therefor from this Board. And the proper coupon for that purpose attached to any such permit when issued shall be preserved and returned to this Board, as its regulations may require, by the proper officer or person on such boat or vessel, and by the proper person in charge of any train of cars or vehicle on which any such body may be carried from either of said cities.

SEC. 143. That no person shall retain, expose, or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

SEC. 144. That no large or church bell shall be rung or tolled at any funeral in either of said cities without a permit therefor from this Board; nor shall such bell be rung or tolled at any other time therein to the prejudice or peril of the life or health of any human being.

SEC. 145. That every person who acts as a sexton or under-

taker in the city of New York or Brooklyn, or has the charge or care of any vault, tomb, burying-ground, or cemetery, for the reception of the dead, or where the bodies of any human beings are deposited, shall cause his and her name and residence, and the nature of his charge and duties, to be registered with this Board.

SEC. 146. That no person or company, being a manufacturer of gas, or engaged about the manufacture thereof, shall throw or deposit, or allow to run, or, having the right and power to prevent the same, shall permit to be thrown or deposited into any public waters, river, or stream, or into any sewer therewith connected, or into any street or public place, any gas-tar, or any refuse matter of or from any gas house, works, or manufactory; nor shall any such person or company allow any substance or odor to escape from such house, works, or manufactory, or make any gas of such ingredients or quality that any substance shall escape therefrom or be formed in the process of burning any gas, which shall be offensive or dangerous, or prejudicial to life or health. Nor shall any such person or company fail to use the most approved or all reasonable means for preventing the escape of odors.

SEC. 147. That no person shall sell, loan, or give to, or allow to be taken by any other person, any fire-arm, or other deadly or dangerous weapon, when there shall be any reason for such first-named person to think or believe that any danger to life may illegally result from the giving, loaning, selling, or from the use of such arm or weapon.

SEC. 148. That no person shall, except according to a permit or the regulations of this Board, set off or fire any gun or other fire-arm, or rock blast in any public street, alley, or place within the built-up portions of any city in said District, whereby any human life may be imperilled.

SEC. 149. That no person shall sell or give to any other person or permit such other person to get (having the right and ability to prevent the same) any drink, when such first-named person may have reason to think or believe that such drink may cause danger or detriment to life.

SEC. 151. That no distiller, or brewer, or other person, shall

manufacture, or have, or keep for sale, any liquid designed as a drink or beverage for human beings which would be, if used, needlessly dangerous or detrimental to life or health.

SEC. 152. That no person shall engage in or encourage any fight, or the dealing of any blow by any human being in said District, against any other human being; nor shall any person permit such fight, having power and authority to prevent the same.

SEC. 153. That no person shall race or run or rapidly drive any horse or other animal in a public street or place, or allow the same to so move, or throw or send up any kite, stone, or other substance, or burn or set off any fire-works, fire-crackers, or other substance, whereby, or by reason of which, any human life may be put in danger or peril.

SEC. 155. That no keeper, or other officer or person having control or authority in any jail, prison, or other place where any person may be kept or confined, shall needlessly or illegally cause or allow any peril or detriment to the life or health of any such person, by reason of too little or too much heat, or of a want of food, drink, or ventilation, or from the want or neglect of any other reasonable care, protection, or precaution.

SEC. 156. That the term "theatre" shall be held to include the building, rooms, and place where any play, concert, opera, circus, trick of jugglery, show, gymnastic, or other exhibition, masquerade, public dance, drill, lecture, address, or other public or frequent gathering or amusement, are, is, or may be held, given, performed, or take place, and the approach and appurtenances thereof.

SEC. 157. That no person, being the lessee, manager, conductor, or owner of any theatre, shall cause or permit, or allow the same, or any part or appurtenance thereof, to be so far overcrowded, or inadequate, faulty, or insufficient, in respect of strength, ingress or egress, cleanliness, ventilation, or in any other particular, as that thereby, or by reason thereof, any needless peril shall come or happen to, or be incurred or suffered by, any person being properly at or in any such theatre,

SEC. 158. That no master or teacher, or manager of or in

any school, public or private, or of or in any Sunday school or gymnasium, nor the officers or managers thereof, nor officers or managers, or persons having charge of any place of public worship, shall so far omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil, or attendant, or respecting the temperature, ventilation, or cleanliness or strength of any church, hall of worship, school-house, school-room, or place of practice or exercise, or relative to any thing appurtenant thereto, as that by reason of such neglect or omission the life or health of any person shall suffer or incur any needless peril or detriment.

SEC. 159. That no person shall act as or be a keeper of any public pound in the city of New York, except pursuant to a permit from this Board.

That no keeper of any such pound shall allow the same, or any animal therein, by reason of any want of care, food, ventilation, or cleanliness, or otherwise, to be or become dangerous or detrimental to human life or health.

SEC. 160. That every such pound-keeper shall, from time to time, report to this Board as its special regulations may require, and shall obey and conform to all such regulations; and that in the mean time such pounds shall, in the particulars not herein mentioned, be regulated by the rules heretofore enacted by the proper authorities of said cities respectively.

* SEC. 161. That no person shall take or call any dog into, or allow any dog to go into any street or public place, in either of the cities of New York or Brooklyn, between the fifteenth day of June and the fifteenth day of September in any year, unless properly muzzled, or unless when being led by a chain or string; nor shall any person, at any time, take or call into, or allow to be in any public street, place, or ground, or into any place where persons may lawfully resort, anywhere in said District, any cross or otherwise dangerous dog, unless such dog be so adequately muzzled or controlled as to endanger no one; and nothing in this section shall repeal or supersede any existing regulations as to such dogs, not inconsistent herewith.

* As amended Aug. 20, 1868.

SEC. 162. That no person shall hereafter erect, start, or establish in any city or village in this District, without the consent of this Board, any manufactory or place of business for boiling any varnish or oil, or for the distilling of any ardent or alcoholic spirits, or for making any lampblack, turpentine, or tar, or for conducting any other business that will or does generate any unwholesome, offensive, or deleterious gas, smoke, deposit, or exhalation, or any business that is or would be dangerous to life or detrimental to health.

SEC. 163. That, except as herein specially or otherwise provided, or as may be hereafter provided, or as is otherwise made necessary by the laws of the State, the Board of Metropolitan Police shall, through its proper officers and men, and as near as may be according to its existing regulations, or amendments to be made thereto, on advice with this Board, and subject to the supervision of this Board, carry into effect and exercise the sanitary powers heretofore exercised by said Board of Police; and that said Board of Police shall keep this Board regularly advised of its action in that behalf, and shall conform to these and all future ordinances, and to all special regulations of this Board.

SEC. 164. That every person shall observe and obey each and every special regulation, and every order of this Board that is or may be made, for carrying into effect any of the foregoing ordinances or powers, or any law of this State, or otherwise, whether issued directly by the Board, or promulgated by its Sanitary Superintendent, as if the same had been herein inserted at length.

SEC. 165. That every person who omits or refuses to comply with, or who resists any of the provisions of these rules, orders, sanitary regulations, or ordinances, or any of the provisions of said seventy-fourth chapter of the Laws of 1866, or of chapter six hundred and eighty-six of the Laws of 1866, or of chapter nine hundred and fifty-six of the Laws of 1867, or the execution of any order or special regulation of this Board, will be liable to the arrest, suit, penalty, fine, and punishment in said law provided and declared; of all of which notice must be taken.

SEC. 166. No owner, agent, or consignee of any vessel or cargo, and no officer of any vessel (in respect of either of which vessel or cargo a permit, according to any law, ordinance, or regulation, shall or should have been obtained to pass quarantine, or to come up to the water front of the city of New York or Brooklyn) shall unlade or land, or cause to be unladen or landed, such cargo, or any part thereof, in either of said cities, without having first received the written permit of this Board so to do; and for the city of Brooklyn such permits shall be obtained of the Assistant Sanitary Superintendent at the Court House in Brooklyn, and for the city of New York, of the Superintendent of this Board at number 301 Mott street.

SEC. 167. No person, owning, occupying, or having charge of any stable or other premises, shall keep or allow thereon or therein any dog or other animal which shall by noise disturb the quiet or repose of those or any one therein or in the vicinity, to the detriment of the life or health of any human being.

SEC. 168. No animal or vegetable substance, nor street-sweepings, muck, or silt, nor dirt gathered in cleaning yards, buildings, docks, or slips, nor waste of mills or factories, nor any materials which are offensive, or tend by decay to become putrid or to render the atmosphere impure or unwholesome, shall be deposited or used to fill up or raise the surface or level of any lot, grounds, dock, wharf, or pier in or adjacent to the built-up portions of said District, or any ground filled for the purpose of building thereon, unless pursuant to a special permit from this Board.

ADDITIONAL SANITARY ORDINANCES AND RULES, AND SANITARY REGULATIONS.

SEC. 169. No offal or butcher's refuse shall be conveyed through any street or avenue of the city of New York or Brooklyn, except between the hours of four o'clock in the afternoon and nine o'clock at night, and between the hours of six o'clock and nine o'clock in the morning, and that no such offal or refuse shall be so conveyed unless the same be in tight boxes, barrels, or vessels from which no odor shall escape. [Adopted August 13, 1868.]

SEC. 170. No petroleum oil, kerosene oil, or other liquid (having like composition or qualities as a burning fluid as said oil), shall be kept or offered for sale as a burning fluid for lamps, or in any receptacle for the purpose of illumination; nor shall such oil or fluid be purchased for use, or be used as a burning fluid for any such lamp or receptacle, or be kept for such use, unless all such oil or fluid shall be of such quality and ingredients that it shall stand and be equal to both the following tests and conditions, to wit:

1. That it shall not take fire or burn at a temperature below one hundred and ten degrees, Fahrenheit; and

2. That it shall not involve an explosive vapor at a temperature below one hundred degrees, Fahrenheit. [Adopted January 25, 1869.]

SEC. 171. It is hereby declared to be the duty of every person herein authorized to enforce and execute this regulation, to kill promptly every dog or other quadruped found in this Sanitary District, which any such person in good faith believes to have the hydrophobia, or to have bitten or exposed to be bitten by any animal having said disease; and every such person is hereby authorized and directed to kill every dog appearing to such person to be sickly, emaciated, or disabled, found in said District at large, and not in charge and appearing to be under the care and control of some owner or other proper custodian thereof; and every person so authorized is directed to promptly report to the Sanitary Superintendent, or to one of the Assistant Sanitary Superintendents, every case of killing any such dog, and when and where the same was killed, and also every case of any dog being in said District having, or which is believed liable to have, or has been exposed to the hydrophobia, and when and where said dog was last seen or is likely to be found, and a description thereof.

And this Board assumes all responsibility for such killing pursuant to the 4th section of chapter 956 of the Laws of 1867, provided that such killing shall be done in good faith in the supposed discharge of his duty, by any person herein authorized to do such killing.

And the Metropolitan Police Board, by and through its

proper officers, agents, and men, is hereby charged, pursuant to and by virtue of section seventeen of chapter 74 of the Laws of 1866, and other laws to such cases applicable, with the duty of enforcing and executing this regulation. [Adopted March 22, 1869.]

SEC. 172. No manure, garbage, or other like offensive matter, shall be loaded or unloaded upon or from any car or vehicle, barge, or other water craft, at a point nearer than three hundred (300) feet of any passenger car, having any passengers therein, or about to depart, and provided for passengers. And no car or vehicle wholly or partially loaded with any such article shall be placed or allowed to stand, or be partly loaded or unloaded, within the distance of three hundred (300) feet of any such car, or of the place on the track where such car should arrive or depart, within half an hour of the actual or due arrival or departure of any such passenger car or train at or from such place. And neither the loading, nor unloading, nor the exposure of any such manure, or garbage, or matter, shall be allowed to be so near as to be offensive to the senses of any person being, or about to be, a passenger, and being properly in or about any passenger car or station. [Adopted March 22, 1869.]

SEC. 173. No manure, garbage, or other material that is liable to emit an offensive exhalation, shall, in or adjacent to the built-up portions of any city or village of the Metropolitan Sanitary District, be turned or stirred, except about its removal, in such way as to be liable, by reason thereof, to increase such exhalations. [Adopted March 25, 1869.]

SEC. 174. No person shall keep, retain, or allow or employ to be kept or retained, at any place within or adjacent to the built-up portions of any city or village in the Sanitary District, any horse, ass, or colt, having the disease known as glanders or farcy. [Adopted May 3, 1869.]

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LAWS

RELATING TO THE

METROPOLITAN BOARD OF HEALTH.

CHAPTER 74, 1866.

AN ACT to Create a Metropolitan Sanitary District and Board of Health therein, for the Preservation of Life and Health, and to Prevent the Spread of Disease. Passed February 26, 1866, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the territory of the State of New York, and of the cities, villages, and towns thereof, as now composes the Metropolitan Police District of the State of New York, shall constitute, and is hereby declared, a district to be known as "The Metropolitan Sanitary District of the State of New York."

SEC. 2. Within fifteen days after the passage of this act the Governor shall nominate, and, by and with the consent of the Senate, shall appoint four suitable persons, residents of said District, three of whom must be physicians, and one of whom shall be a resident of the city of Brooklyn, who, with the Health Officer of the port of New York for the time being, shall be Sanitary Commissioners in and for said District; and the said Sanitary Commissioners, together with the Commissioners, for any time being, of the Metropolitan Police (not exceeding four, and being the present four and their successors), shall constitute a board of health for the said Metropolitan Sanitary

District, and said board shall be denominated "The Metropolitan Board of Health;" any five members of which, at any regularly called or adjourned meeting, shall organize and constitute a quorum for the transaction of business; and the phrase "said board," or "the board," when used herein, unless clearly referring to some other body, shall be construed to mean said "The Metropolitan Board of Health;" and the phrase "said district," or "the district," unless the same clearly refers to some other district, shall be construed to refer to said "The Metropolitan Sanitary District of the State of New York." And the term "sanitary commissioners" shall refer to the members of said board who are not also members of the Board of Police, and whenever the words "police," "board of police," or "police commissioners" are used in this act, they shall be taken and construed to mean the "Board of Metropolitan Police Commissioners of the Metropolitan Police District of the State of New York." And whenever the words "place, matter, or thing," or either two of said words, are used in this act, they shall, unless the sense plainly requires a different construction, be construed to include whatever is embraced in the enumeration with which they are connected in either and both clauses of the fourteenth section of this act.

SEC. 3. The said four persons so appointed shall hold office as such Sanitary Commissioners respectively for the terms following, namely: One for one year, one for two years, one for three years, and one for four years, and until their successors are appointed and qualified. Immediately after the appointment of said four persons as aforesaid, they shall meet in the office of the Secretary of State, and shall proceed, under his direction, to determine by lot which of them shall hold, for the respective terms of one, two, three, and four years, the said office of Sanitary Commissioner. Immediately, and before entering upon the duties of the office, they shall take the oath prescribed for State officers by the Constitution of the State, and shall file the same in the office of the Secretary of State, who, upon receiving the said oath of office, shall issue to each of said commissioners a certificate of appointment for his respective term of office so determined as aforesaid; upon receiving which they shall severally be and become Sanitary Commissioners, and

shall possess and exercise the powers and perform the duties of said board as defined in this act.

SEC. 4. The term of office of each of the said Sanitary Commissioners, after the expiration of the terms aforesaid, shall be four years, and they shall be appointed upon the nomination of the Governor, by and with the advice and consent of the Senate. Any vacancies that may occur by reason of death, resignation, removal from office or otherwise, shall be filled in like manner. But if any vacancy shall occur during the recess of the Senate, the Governor may fill such vacancy by appointment, and the person so appointed shall hold office until twenty days after the next meeting of the Senate.

SEC. 5. * Immediately after the four appointed Sanitary Commissioners shall have taken the oath of office as above provided, they shall meet with the Commissioners of the Metropolitan Police, and the Commissioners of Metropolitan Police with them, and the Health Officer of the port of New York, and organize as a board of health by electing one of said Board to be President, and one of said board to be Treasurer thereof, and by appointing a proper person to be Secretary of said Board. And the successive Presidents of said Board of Health shall be annually elected by said Board from the members thereof, and the successive Treasurers shall be members of said Board; but the Secretary shall not be a member of the Board. The Treasurer and Secretary shall respectively continue in office as such until removed by the election of a successor or otherwise. The said Sanitary Commissioners shall each receive a salary of two thousand five hundred dollars a year; and each Police Commissioner who may be a member of said Board of Health, and the Health Officer, shall as such receive a salary of five hundred dollars a year; † and the member of said Board of Health, who acts as Treasurer, shall receive an additional compensation of five hundred dollars a year for his services as Treasurer. All salaries allowed under this law shall be payable as the Board shall provide. But for every regular or special meeting of said Board which any Sanitary Commissioner or the Secre-

* As amended, Laws of 1866, Chapter 686, Section 4.
† Amended, Laws of 1867, Chapter 956, Section 16.

tary shall fail to attend, there shall be deducted from the salary of the person so failing the sum of ten dollars; and for every failure of a Police Commissioner or of said Health Officer to attend any such meeting, there shall be deducted from his said salary the sum of two dollars; but these provisions shall not apply to any adjourned meeting, and it shall be the duty of the Treasurer to see that all such deductions are made before payments of said salaries. The Board may appoint a Corresponding Secretary at an annual salary not exceeding one thousand dollars.

SEC. 6. The President of the said Board shall preside and preserve order at the meetings of the Board; and, in case of the absence of or inability of the regular Secretary to attend, he shall appoint a Secretary *pro tem.*, who, for the time being, may perform any duty of the Secretary. * The President shall have all the power and authority given to the "City Inspector," in the six hundred and forty-sixth chapter of the laws of eighteen hundred and sixty-five (passed May first, eighteen hundred and sixty-five), in respect to the making, awarding, or executing of a contract or contracts for street cleaning, or any matter thereto pertaining. But nothing herein contained shall be construed as affecting in any manner the validity of any contract heretofore made by virtue of said act. And the Board at any time, in the absence of the President or Secretary, may elect a President or Secretary *pro tem.* from their number, who shall exercise the powers of such officers respectively.* The Secretary shall, subject to the direction of said Board, keep and authenticate its acts, records, papers, and proceedings, preserve its books and papers, conduct its correspondence, and aid in accomplishing the purposes of this law, as the Board may direct; and said officer (as well as the other officers and agents appointed by said Board) shall be subject to removal by the Board for cause, to be entered in its minutes, and said Board may appoint his or their successor; and his salary, to be fixed from time to time by the Board, shall not exceed three thousand five hundred dollars annually. Said Board may design and adopt a seal and use the same in the authenti-

* Amended, Laws of 1867, Chapter 956, Section 1.

cation of its orders and proceedings, commissioning its officers and agents, and otherwise, as the rules of the Board may provide.

SEC. 7. The Treasurer of said Board shall be the fiscal officer of the Board. He shall hold, and on check and voucher, duly disburse, as said Board may order, and for the purposes of and in conformity to this act, the moneys he may receive or belonging to the fund herein provided; and shall deposit the same when paid to him by the Treasurer of the State of New York, or otherwise, and pending the regular disbursement thereof, in a bank or banks in the City of New York designated by such last-named officer. He shall execute a bond, with not less than two sureties, conditioned in a penalty of thirty thousand dollars, to the people of the State of New York, for the faithful discharge of his duties as such Treasurer. The sureties, not less than two in number, shall justify before a Justice of the Supreme Court, in the aggregate in a sum not less than twice the last-named amount; but before the said Treasurer shall enter upon his duties, the said bond shall be approved by and filed with the Comptroller of the State. The Treasurer shall keep, or cause to be kept, books showing all his receipts and payments, and shall preserve his vouchers therefor; and should any collections ever be made on such bond, or in suits or proceedings, or otherwise, by said Board, the amount thereof shall be received and accounted for by the Treasurer, or in case of collection on his bond, by the recipient thereof, to the State Treasurer, and be deposited in the bank or banks aforesaid, applied for the legitimate uses of said Board, or as herein elsewhere provided.

SEC. 8. Any Sanitary Commissioner of said Board who shall accept or hold any political or municipal office during his term of office, or shall be publicly nominated for any office elective by the people, and shall not, within ten days succeeding his knowledge thereof, publicly decline the said nomination, shall, in either case, be deemed thereby to have vacated his membership of said Board, and the vacancy so created shall be filled as is provided as to other vacancies; but membership of this Board shall not affect membership in the Board of Police or the office of Health Officer.

SEC. 9. Any member of the said Board may, at any time, be removed from office by the Governor, under the provisions of the laws relative to the removal of sheriffs from office, which provisions are hereby extended so as to relate to the members of said Board; but before such removal, such member shall be served with specific charges, stating the dereliction of duty complained of, and shall be afforded an adequate opportunity to publicly answer the same and to make his defence thereto, upon reasonable notice to be given him; and on the application of the Governor, or the party charged, any judge of the Supreme Court shall have as full power and authority to compel the attendance and examination of witnesses, touching such charges or defence, and the production of books and papers relating thereto, at the place and time where the aforesaid proceedings or hearing may take place, as is given herein in respect to the examination of witnesses, or the production of papers, on the application of said Board, in the fourteenth section of this act. And it shall be the duty of such judge (and of any other judge named in said section) to exercise such authority, and to take or supervise the taking of such examination to be used on the hearing of such charges or defence. And if, by removals or other cause, the members of the Board shall be less than five, but not less than three, the existing members shall still constitute a Board, competent, by unanimous action, to exercise the powers delegated by this act.

SEC. 10. Said Board shall have power to create a chief executive office, and appoint a suitable person to fill such office, who shall be an experienced and skilful physician, resident in said district, whose full name of office shall be, "The Sanitary Superintendent of the Metropolitan Sanitary District of the State of New York," but he may be designated as "Sanitary Superintendent." It shall be the duty of said officer, as he may be directed, to execute, or cause to be executed, the orders of said Board, and generally, according to its instruction, to exercise a practical supervision in respect to the inspectors, agents, and other persons other than the Secretary, Treasurer, and members of the Board, or the members of the police force who may exercise any authority under this act; and said officer shall devote his services to the aforesaid purposes as the

Board may from time to time direct. He shall be entitled to receive a salary to be fixed by the Board, which shall not exceed five thousand dollars annually.* Such Superintendents shall make reports weekly, or oftener, if directed by the Board, in writing, stating generally his own action and that of his subordinates, and the condition of the public health in said district, and any causes endangering life or health that have come to his knowledge during said period. And said Board may appoint two "Assistant Sanitary Superintendents," one of whom shall be a resident of the city of Brooklyn, and shall principally perform his duties in that city, whose duties shall be of the same nature as those of the last-named officer; and their salaries, not to exceed thirty-five hundred dollars a year each, shall be fixed by the Board.†

SEC. 11. Said Board may appoint and commission such number of "sanitary inspectors" as the Board may deem needful, not exceeding fifteen, and from time to time prescribe the duties and salaries‡ of each of said inspectors and the place of their performance, and of all other persons exercising any authority under said Board, except as herein specially provided; but at least ten of such inspectors shall be physicians of skill and of practical professional experience in said district, and the residue thereof shall be selected with reference to their practical knowledge of scientific or sanitary matters, which may especially qualify them for such inspectors. Each of such inspectors shall, twice in each week, make a written report to said Board, stating what duties he has performed and where he has performed them, and also such facts as have come to his knowledge, connected with the purposes of this act, as are by him deemed worthy the attention of said Board or as its regulations may require of him; and such, and the other reports herein elsewhere mentioned, shall be preserved among the records of said Board. The Board may also employ such number of clerks and servants, and fix their salaries, and take such legal advice and employ such attorneys, as may be necessary to the efficient, safe, and economical discharge

* Amended, Laws of 1867, Chapter 956, Section 15.
† Ibid. ‡ Ibid.

of the duties by this act devolved on said Board. And may also rent, lease, fit up and furnish such offices as the convenience of the Board, its officers, agents, and employés, and the prudent and proper discharge of the duties of the Board, may require; and may make such incidental and additional expenditures, having due regard to economy, as the purposes and provisions of this act and the dangers to life and public health may justify or require; and may provide that any failure of any officer, agent, or employé of the Board to duly fulfil his engagements or discharge his duty, shall cause a forfeiture of the whole or any less portion of the salary or compensation of such officer, agent, or employé, as the rules or practice of the Board may provide. And the Board of Police is authorized to allow the Board of Health to occupy a portion of its premises.

* SEC. 12. The authority, duty, and powers, whether given by any law, or by any ordinance made thereunder, heretofore (for the purpose of preserving or protecting life or health, or preventing disease) conferred upon or now belonging to, or being exercised by the board of health, or the board of public health of or in the city of New York, or of or in the city of Brooklyn, or elsewhere in said District, the mayor and common council of either of said cities, the mayor of the city of New York, by and with the advice and consent of the board of aldermen, the president of the board of aldermen, the president of the board of assistant aldermen (or councilmen), the resident physician, the health commissioner, the mayor and the commissioners, the commissioners of health, the city inspector (or the city inspector's department), of either of said cities; or conferred upon or now belonging to any two or more of the said bodies or officers, or last-named boards or departments, or to any board of health or health officer or agent in said District, or exercised by any officer or person appointed by or deriving authority from any one or more of the bodies, officers, departments, or last-named boards (so far as said powers and authority can be exercised and such duty performed by the Board hereby created, without interference with the proper discharge of the duties, other than sanitary duties, heretofore imposed upon the Board of

* See Laws of 1867, Chapter 956, Section 10

Metropolitan Police), are hereby exclusively conferred upon, and shall hereafter be exclusively exercised by the aforesaid "The Metropolitan Board of Health," the members and officers thereof, as herein provided; and the same are to be exercised as herein set forth (and to such an extent, and in such place and manner as said Board may provide), for the greater protection and security of health and life in said District, and the appropriate parts thereof; * and after this act goes into effect, no salary or compensation shall be paid to, or fees demanded by, or expense ordered to be incurred by, any officer, board, or agent, or in respect to any service, expenditure, or employment, under the authority of any health law, ordinance, regulation, or appointment of or in said cities, or any part of said District, unless such salary, expenditure, employment, fees, or expense, shall be authorized by the Board hereby created and contemplated by the provisions of this act. And the aforesaid power, duty, and authority, hereby transferred to and conferred upon said Board, shall be held to include all the power, duty, and authority given, or conferred, or purporting to be given or to be conferred, to or upon any person, officer, or board, in or by any ordinance contained or purporting to be contained in the first ten chapters of ordinances, being numbered from one to ten inclusive, in a compilation of "Laws and Ordinances relative to the Preservation of the Public Health in the City of New York," and purporting to be published under the authority and by the direction of the Mayor and Commissioners of Health of said city, in the year one thousand eight hundred and sixty, and by any existing amendments and additions thereto. But no fees of any kind shall be charged for the performance of any duties imposed by said ordinances. And said Board shall also possess (and may exercise by its own agents, or by order to be executed by said Board of Police), throughout said District, all the power and authority for the protection of life or health, or the care or preservation of health, or persons diseased or threatened therewith, conferred by any law or ordinance relating to any part of said District, and especially by the act of the seventeenth of April, eighteen hundred and fifty-four, being the three hundred and eighty-fourth chapter of the Laws

* As amended, Laws of 1866, Chapter 686, Section 3.

of eighteen hundred and fifty-four, upon the mayor, common council, board of health, or the health officers (or upon any two or more of them, or other officers), in said act mentioned. But the powers and authority in this section given shall not be held to interfere with the powers and duties of the Croton Aqueduct Board, Street Commissioner, Superintendent of Unsafe Buildings, Comptroller of New York City, or the Board authorized to contract for street cleaning (under the law of eighteen hundred and sixty-five); nor shall any thing in the aforesaid laws or ordinances contained be construed as a limitation of any power in this bill elsewhere given to the said Board, or to limit the penalties and expenses it may enforce or collect; and all the power recited or given by said laws or ordinances shall belong wholly to said Board, who may exercise the same without the advice, assent, or coöperation of any municipal board or officer, and in any manner not inconsistent with the other sections of this law, without being limited to the means or by the procedure in said ordinances stated. And no municipal body or other authority in said District shall hereafter create or employ any officer or agent, or incur any expense, under any of said (or other) health laws or ordinances, or in respect of any matter concerning which said Board is by this act given control or jurisdiction. All the aforesaid powers are to be possessed and exercised as fully as if herein repeated and separately conferred upon said Board. And the powers of said Board shall be construed to include the ordering and enforcing, in the same manner as other orders are provided to be enforced, the repairs of buildings, houses, and other structures; the regulation and control of all public markets (so far as relates to the cleanliness, ventilation, and drainage thereof, and to the prevention of the sale or offering for sale of improper articles therein); the removal of any obstruction, matter, or thing, in or upon the public streets, sidewalks, or places,* which shall be in their opinion liable to lead to results detrimental to the public, or dangerous to life or health; the regulation and licensing of scavengers; the prevention of accidents by which life or health may be endangered; and, generally, the abating of all nuisances.

* See Laws of 1867, Chapter 956, Section 6.

SEC. 13. Said Board shall possess all the authority and be charged with all the duties conferred or imposed on the City Inspector of the city of New York, by the act passed on the second day of April, one thousand eight hundred and fifty-three, or by any and all acts relative to births, deaths, or marriages; and the duty of all persons and officers in any such (or any aforesaid) acts mentioned shall hereafter be the same, in respect to said Board, as if said law or laws had contained the name of said Board instead of that of the City Inspector of the city of New York or other officer, and said acts are hereby extended throughout said district; * but the powers now possessed by the City Inspector with reference to the inspection of weights and measures, are hereby conferred upon the Mayor of the city of New York. And it shall be the duty of said Inspector, and of whoever may have possession or control thereof, to transfer and deliver to said Board all public books, records, statistics, and papers, in his or their possession, or under his or their official and personal control, and to give such information to said Board as he or his department may possess relative to any matter in this section, or in either of said last-mentioned laws referred to, and his authority and duty under said laws shall cease when this act goes into effect, and the Justices of the Supreme Court shall have jurisdiction to enforce this provision by mandamus. And said Board shall perform all the duties by this section imposed, as a part of its regular duties, and no fees shall be demanded or received by reason thereof or any thing in said act or acts contained. It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person, at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said district (and if there be no parent alive that has made such report, then of the next of kin of such child born), and of every person present at such birth, within five days after such birth or death, to report to said Board in writing, so far as known, the date, ward, and street, number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity,

* Amended, Laws of 1867, Chapter 956, Section 11.

last occupation, and cause of death of such deceased person, and the ward and street, and place of such person's death and last residence. And for every omission of any person to make and keep the registry required by the acts referred to in this section, and for every omission to report a written copy of the same to said Board within ten days after any birth or marriage provided to be registered, and for every omission by any person to make the report of any death or birth, with the particulars as herein required, any person guilty of said omission shall be liable to pay a fine of ten dollars, which may be sued for and recovered in the name of said Board, for the benefit of said Board. But no person shall be liable for such fine for not making the report herein required, if he or she shall prove that such report had been made to the Board by some other person before suit brought for such penalty, or that he or she was ignorant of such birth or death.*

SEC. 14. *First*—Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, in said District, shall, in the opinion of said Board (whether as a whole or in any particular), be in a condition or in effect dangerous to life or health, said Board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance, or dangerous to life or health; and said Board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify; and shall cause said order, before its execution, to be served on the owner, occupant, or tenant thereof, or some of them, who to said Board may appear most directly interested in its execution, provided said parties, or any of them, are in said District and can be found, and such service can be conveniently made,† and if any party so served (or intended to be according to this law) shall, before its execution is commenced, or within three days after such service or attempted service, apply to said Board, or the President

* See Laws of 1867, Chapter 956, Section 11.

† See Laws of 1867, Chapter 956, Section 5; and Laws of 1867, Chapter 903, Section 9.

thereof, to have said order or its execution stayed or modified, it shall then be the duty of said Board * to temporarily suspend or modify said order or the execution thereof (save in cases of imminent danger from impending pestilence, when said Board may exercise extraordinary powers, as herein elsewhere specified), and to give such party or parties together, as the case in the opinion of the Board may require, a reasonable and fair opportunity to be heard before said Board, and to present facts and proofs (according to the rules or directions of said Board) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the Board,† and the Board shall enter in its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine.‡

Second—Said Board may order or cause any excavation, erection, vehicle, vessel, water-craft, room, building, place, sewer, pipe, passage, premises, ground, matter, or thing (in said district or adjacent waters), regarded by said Board as in a condition dangerous or detrimental to life or health, to be purified, cleaned, disinfected, altered, or improved; and may also order any substance, matter, or thing, being or left in any street, alley, water, excavation, building, erection, place, or grounds (whether such place where the same may be, be public or private), and which said Board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said Board, is already provided. The said Board may require the said Board of Police to execute any of the orders referred to in this act. It shall be the duty of the Board of Police to execute the orders of the said Board of Health, and the said Board of Police may employ the necessary

* Amended, Laws of 1866, Chapter 686, Section 6.

† See Laws of 1867, Chapter 956, Section 12.

‡ Amended, Laws of 1866, Chapter 686, Section 6. Laws of 1867, Chapter 956, Section 10.

persons and means about such execution. Or the said Board of Health, if it shall consider the public health or interests so to require, may execute such orders through its own officers or persons, and means to be engaged by the said Board of Health; and about the execution of the said orders, both the said Board of Police and the said Board of Health shall have, each, as well the authority conferred by this act as all the powers and authority conferred by the fifty-third and fifty-fourth sections of the Metropolitan Police act, passed on the twenty-fifth day of April, eighteen hundred and sixty-four, and of any amendments made to said act or to be made, enlarging such authority; and all powers and authority possessed and exercised by said Board of Police under said act pertaining to sanitary matters, or in conflict with the objects and purposes of this act, shall hereafter be enjoyed, possessed, and exercised by said Board of Health, and the orders of the kind in this section secondly mentioned shall, if the proper person or persons are known to the Board, and can be conveniently found in said District, on whom to make the service, be served upon one or more of the owners, occupants, lessees, or tenants of the subject matter to which said order relates, or upon one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of said Board;* and if said order is not complied with, or as far complied with as the Board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which, in case of pestilence, the Board may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said Board. And if personal service of any aforesaid order cannot be made under this section by reason of absence from said District, or inability to find such persons therein, to be shown by the official certificates of the officer having such order to serve, then service may be made through the mail, or by a copy left at the residence or place of business of the person sought to be served, with a person of suitable age

* Amended, Laws of 1867, Chapter 956, Section 5; Chapter 908 Section 9.

and discretion, and the expenses attending the execution of any and all such orders respectively shall be a several and joint personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, business, place, property, matter or thing to which said order relates, and in respect of which said expenses were incurred;* and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter, or thing, which said order requires, and said expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any place, room, building, premises, matter, or thing, to which said order relates and in respect of which said expenses were incurred; and also,† a lien on all compensation due or to grow due for the cleaning of any street, place, ground, or thing, or for the cleansing (or removal) of any matter, thing, or place, the failure to do which by the party bound so to do, or the doing of the same in whole or in part by order of said Board, was the cause or occasion of any such order or expense.‡ Said Board of Health, its assignee, or the party who has, under its order or that of the Board of Police, acting thereunder, incurred said expense, or has rendered service for which payment is due, and as the rules of said Board of Health may provide, may institute and maintain a suit against any one herein declared liable for expenses as aforesaid, or against any person, firm, or corporation, owing, or who may owe, such rent or compensation, and may recover the expenses so incurred under any order aforesaid.* And only one or more of such parties liable or interested may be made parties to such action as the Board may elect; but the parties made responsible as aforesaid for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them. And it is hereby declared to be the duty of every owner and part owner and person interested, and of

* See Laws of 1867, Chapter 956, Section 18.

† As Amended, Laws of 1866, Chapter 696, Section 5.

‡ See Laws of 1867, Chapter 956, Section 18.

every lessee, tenant, and occupant of or in any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter, and thing, in said District, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground, or street therein, and of every person, public officer, and Board having charge of any ground, place, building, or erection therein, to keep, place, and preserve the same, and every part, and the sewerage, drainage, and ventilation thereof, in such condition, and to conduct the same in such manner, that it shall not be dangerous or prejudicial to life or health. And in any suit in this action, or elsewhere in this act, authorized to be brought, the right of said Board or the Board of Police to make any order or cause the execution thereof, shall be presumed. Any member of the police force, and every inspector or officer of said Board of Health, as the regulations of either of said boards may respectively provide relative to its own subordinates, may arrest any person who shall in view of such member or officer violate, or do or be engaged in doing or committing in said district any act or thing forbidden by this act, or by any law or ordinance, the authority conferred by which is given to said Board of Health, or who shall in such presence resist, or be engaged in resisting, the enforcement of any of said orders of said Board, or of the Board of Police, pursuant thereto. And any person so arrested shall be thereafter treated and disposed of as any other person duly arrested for a misdemeanor. And said Board of Health, having first entered on its minutes, or filed in its records, what it may regard as adequate proof of a violation or resistance, by any person in said District, of any such law, ordinance, or order, may order (by its warrant, under its seal and attested by the signature of its president and secretary, and indicating, as far as conveniently practicable, the time, place, and nature of the offence committed) the arrest of any such person, and such order of arrest shall be of the same effect and shall be executed as a warrant from a justice or judge, duly issued; and the party arrested shall be taken before a magistrate, and thereupon and thereafter shall by all officers be treated as being, and have the rights and liability of a party, under arrest by order of the proper officer or tribunal, for a misdemeanor of the nature in-

dicated in the said order of arrest. Proofs, affidavits, and examinations as to any matter under this act may be taken by or before one or more members of the Board, or other person, as the Board shall authorize; and the secretary, the sanitary and assistant superintendents, and any member of said Board, shall, severally, have authority to administer oaths in such matters, and any person guilty of wilfully testifying falsely shall incur all the pains and penalties of perjury. Any judge of the Supreme Court of any judicial district, wholly or partly within said Sanitary District, or who is holding court or chambers therein, upon the written application of said Board or its president, to be made by or through its attorney or counsel, may issue his order by him subscribed, for the examination without unreasonable delay, by or before such justice, of any person or persons, and the production of books and papers, or the inspection and taking of copies of the whole or parts thereof, at a time and place within said District, and in said order to be named; and it shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by said judge, and with any copies of books or papers be delivered to said Board or its secretary, for the use of said Board. And such examination, and any proceeding connected therewith or under said order, may wholly or in part be had, conducted, or continued by or before any other of said judges, as well as that one thereof who made said order; and in and about the same, every such judge shall have as full power and authority to punish for contempt, and enforce obedience to his said or other order or directions respecting the matter aforesaid (or that of any other judge), as any such judge of the Supreme Court may now have or shall possess to enforce obedience or punish contempt in any case or matter whatever. Such application shall name or describe the person or persons whose examination is sought (and so far as possible the books or papers desired to be inspected), and the matters or points affecting life or health in said District as to which said Board requests the same to take place, and the judge shall, on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be

used in any criminal proceeding. Service of any order of any such judge may be made, and the same proved, in the same manner as the service of either an injunction or of a subpœna may now be made or proved. And it shall be the duty of all said judges to facilitate the early determination of the aforesaid proceedings.

SEC. 15. It shall be the duty of said Board to give all information that may be reasonably requested concerning any threatened danger to the public health, to the Health Officer of the port of New York, and to the Commissioners of Quarantine of said port, who shall give the like information to said Board; and said Board and said Officer and said Quarantine Commissioners shall, so far as legal and practicable, coöperate together to prevent the spread of disease, and for the protection of life, and for the promotion of health, within the sphere of their respective duties; and the authority and power of said Health Officer and Quarantine Commissioners are not by this act affected, save as last aforesaid, any thing herein elsewhere to the contrary nothwithstanding.

SEC. 16. And said Board shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said District; and shall promptly cause all proper information in possession of said Board to be sent to the local health authorities of any city, village, or town in this State which may request the same, and shall add thereto such useful suggestions as the experience of said Board may supply. And it is hereby made the duty of said health authorities to supply the like information and suggestions to said Metropolitan Board of Health. And said Board may take measures, and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said district, as in its opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said district, to be by them designated, any person sick with small-pox or other contagious disease.* And in the presence of great and imminent peril to the public health in said District, by reason of impending pes-

* Amended, Laws of 1867, Chapter 956, Section 3.

tilence, it shall be the duty of said Board to take such measures, and to do and order, and cause to be done, such acts and make such expenditures (beyond those duly estimated for or provided), for the preservation of the public health (though not herein elsewhere or otherwise authorized), as it may in good faith declare the public safety and health to demand, and the Governor of the State shall also in writing approve. But the exercise of this extraordinary power shall also, so far as it involves such excessive expenditures, require the written assent of at least six members of the Board. And such peril shall not be deemed to exist except when, and for such period of time as, the Governor of the State, together with said Board, shall declare by proclamation the same to exist or continue.

SEC. 17. It shall be the duty of said Metropolitan Police Board (and of its officers and men, as the last-named Board shall direct) to promptly advise said Metropolitan Board of Health of all threatened danger to human life or health, and of all matters thought to demand its attention, and to regularly report to said Board of Health all violations of its rules and of said ordinances and of the health laws, and all useful sanitary information.* And said last-named Boards shall, so far as practicable and appropriate, coöperate for the promotion of the public health, and the safety of human life in said District. And it shall be the duty of said Metropolitan Police Board, by and through its proper officers, agents, and men, to faithfully and at the proper time enforce and execute the sanitary rules and regulations, and the orders of said Board of Health (made pursuant to the power of said Board of Health), upon the same being received in writing and duly authenticated, as said Board of Health may direct. And said Police Board is authorized to employ and use the appropriate persons and means, and to make the necessary and appropriate expenditures, for the execution and enforcement of said rules, orders, and regulations; and such expenditures, so far as the same may not be refunded or compensated by the means herein elsewhere provided, shall be paid as the other expenses of said Board of Health are paid. And in and about the execution of any order of the Board of Health or of the Board of Police made pursuant thereto, police

* Amended, Laws of 1867, Chapter 956, Section 2.

officers and policemen shall have as ample power and authority as when obeying any order of or law applicable to the Police Board, or as if acting under a special warrant of a justice or judge, duly issued, but for their conduct they shall be responsible to the Board of Police and not to the Board of Health.

SEC. 18. It shall be the duty of said Board, so far as it may be able without serious expense, to gather and preserve such information and facts relating to deaths, disease, and health, from other parts of this State, but especially in said District, as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers and boards of health in the State to communicate to said Metropolitan Board of Health copies of their reports, and also such sanitary information as may be useful in said District And said Board shall keep records of its acts and proceedings as a Board, and of the execution of its orders, so far as reasonably practicable.

SEC. 19. It shall be the duty of said Board, on or before the first Monday of December in each year, to make a report in writing to the Governor of this State, upon the sanitary condition and prospects of said District; and such reports shall set forth generally the statistics of births, deaths, and marriages, the action of said Board and of its officers and agents, and the names thereof for the past year, and may contain other useful information, and shall suggest any further legislative action or precautions deemed proper for the better protection of life and health, as well in other parts of the State as especially in said District. Such annual report may contain the sanitary rules and by-laws adopted by the Board hereby created. And the annual report of said Board shall also contain a detailed statement, under the oath of the Treasurer, of all money received and paid out by said Board, or its Treasurer, and a detailed statement of the manner of its expenditure during the year last past, and of the funds on hand. Said Board may annually have, not exceeding one thousand copies of said report, printed in an economical form, at the expense of said Board, and may distribute the same as shall be best adapted to promote the purposes of this law; but a copy of

said report shall be sent to each duly-organized Board of Health in the State of New York which may have requested such copy, and shall have furnished said Board with a copy of its own annual report.

SEC. 20.* Said Board may enact such by-laws, rules, and regulations, as it may deem advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution or laws of this State, nor the regulation of the action of said Board, its officers and agents, in the discharge of its and their duties, and, from time to time, may alter, annul, or amend the same; and said Board shall, in like manner, for more fully carrying into effect the intents and purposes of this act, annually, on or before the fifth day of May in any year, make, and publish twice a week, for three successive weeks next thereafter, in two daily newspapers published in the city of New York, and in one daily newspaper published in the city of Brooklyn, "a code of health ordinances" for the protection of the public health in said District, to take effect on and after the first day of June next thereafter following, and to remain in full virtue, force, and effect, within said District, until altered, amended, or annulled,† and may at any time alter, amend, or annul the same, or any part thereof, upon publishing the same as altered and amended, or such portion as is so altered and amended, and for a like time as said original ordinances: but, during the year eighteen hundred and sixty-six, such code of health ordinances shall take effect at any time after it shall have been published as aforesaid for two weeks; and every person, body, or corporation, that shall violate or not conform to any ordinance, rule, sanitary regulation, or special or general order of said Board, duly made, shall be liable to pay a penalty, not exceeding fifty dollars for each offence, which may be sued for and recovered by and in the name of said Board, with costs, before any justice or tribunal in said District having jurisdiction of civil actions;‡ and all such justices and tribunals shall take jurisdiction of such actions. And upon the complaint of any citizen of said District

* As Amended, Laws of 1866, Chapter 686, Section 1.
† Amended, Laws of 1867, Chapter 956, Section 10.
‡ See Laws of 1867, Chapter 956, Section 2.

against any person for a violation of any rule, sanitary regulation, ordinance, or order, made to any police justice or magistrate having jurisdiction in criminal cases, such justice or magistrate shall order the arrest of any person against whom such complaint is made, as in any other case of a criminal offence, and, by his warrant, may require any policeman or constable to make such arrest, and may, after such arrest, proceed summarily to try such person for such alleged offence; but no such trial shall be had on any arrest made in the city of New York without sufficient notice thereof being first given to said Board, or its President. And upon an application in behalf of said Board, made before the trial is commenced, the trial of such person, together with the papers, shall be remitted to the Court of Special Sessions, upon which Court jurisdiction to try such persons is hereby conferred; but the right of any person to elect to be tried before a jury as it may now exist, is not affected by any thing herein contained. If such person shall, upon such trial, be found guilty, he or she may be fined in any amount not exceeding twenty-five dollars; and the payment thereof may be enforced in the same manner as is usual in other cases where fines are imposed. Such fines, when collected, shall be at once paid over to the Treasurer of said Board, to the credit of said Board. Reports of all such trials, and of fines imposed for violations of this act, or of the code of health ordinances hereby authorized, shall be made monthly to said Board by the justice before whom such trial is had. But nothing in this section contained shall be construed as in any manner limiting any powers, penalty, and punishment in this act elsewhere conferred.

Sec. 21. Said Board shall cause to be kept a general complaint book, or several such books, in which may be entered by any person, in good faith, any complaints of a sanitary nature which such person thinks may be useful, with the name and residence of the complainant, and may give the name of the person or persons complained of, and the date of the entry of the complaint, and such suggestions of any remedy as may in good faith be thought appropriate, and said books shall be open to all reasonable public examination as the Board may authorize; and the Board shall cause the facts in regard to such com-

plaints to be investigated, and the appropriate remedy to be applied.

SEC. 22. Said Board may, from time to time, engage a suitable person or persons to render sanitary engineering service, and to make or supervise practical and scientific sanitary investigations and examinations in said District requiring engineering skill, and to prepare plans and reports relative thereto. And it is hereby made the duty of all boards, officers and agents having the control, charge, or custody of any public structure, work, ground, or erection, or of any plan, description, outline, drawing, or charts thereof, or relating thereto, made, kept, or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person thereto by said Board authorized; and the members of said Board, the Sanitary Superintendent or Assistant aforesaid, any of the aforesaid sanitary inspectors, and such other officer or person as may at any time be by said Board authorized, may, without fee or hindrance, enter, examine, and survey all grounds, erections, vehicles, structures, apartments, buildings, and places, in said district, including vessels of all kinds in the adjacent waters, and all cellars, sewers, passages, and excavations of every sort, and inspect the safety and sanitary condition, and make plans, drawings, and descriptions thereof, according to the order or regulations of said Board. Said Board may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter, or thing, in said District so inspected, or otherwise as aforesaid, so far, as in the opinion of said Board, such publication may be useful. And said Board may provide a badge of metal, with a suitable inscription thereon, and direct and require it to be worn, in a position to be designated, by any person or officer under the authority of said Board, at such times and under such circumstances as the rules or by-laws of said Board shall direct. It shall be a misdemeanor, punishable by imprisonment in the county jail, or, in the city and county of New York, in the penitentiary, for not less than one year nor exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person not an officer under this act, to falsely represent himself as such, with a fraudu-

lent design upon persons or property, or to have, use, wear, or display, without authority, any shield, or other insignia or emblem such as is worn by such officer. But no more than five thousand dollars in any one year shall be expended for sanitary engineering service.

SEC. 23. Said Board shall hold regular and special meetings as frequently as the proper and efficient discharge of its duties shall require; the same to be held (unless it shall be impracticable so to do, or shall be, for good reasons, otherwise ordered) at the regular office of said Board in the city of New York; and the rules or by-laws shall provide for the giving of proper notice of all such meetings to the members of the Board. And all meetings shall in every suit and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved.

SEC. 24. It shall be the duty of said Board of Health to aid in the enforcement of, and so far as practicable to enforce all laws of this State, applicable in said district, to the preservation of human life, or to the care, promotion, or protection of health; and said Board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious, or adulterated drugs, medicine, or food. And said Board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules may provide), from all public dispensaries, hospitals, asylums, infirmaries, prisons, and schools, and from the managers, principals, and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theatres and other places of public resort or amusements in said District; but such reports and information shall only be required concerning matters or particulars in respect of which it may, in its opinion, need information, for the better discharge of its duties in said District. And it is hereby made the duty of the officers, institutions, and persons so called on, or referred to, to

promptly give such information and make such reports, verbally, or in writing, as may be required by said boards. And it is hereby further made the duty of all persons, officers, and boards, to make to said Board of Health the reports and returns, and to give the information and afford to said Board the aid and facilities which by law or ordinance they or any of them were required to make, afford, or give to any person, officer, or board, when any powers hereby conferred on said Board of Health were exercised by any other officer or board.

SEC. 25. Such Board shall not be required to make any return or report, or give any information or advice, or do any act which, under the former administration of the health laws in said district, was made necessary or appropriate by reason of the various officers, boards, or agents, by or through which said laws were executed or administered, or the powers hereby conferred were exercised; and said Board may establish reasonable regulations as to the publicity of its records and proceedings; and may publish such information as may, in its opinion, be useful, concerning births, deaths, marriages, sickness, and the general sanitary condition of said District, on any matter, place, or thing therein.

SEC. 26. The department known as the "City Inspector's Department," and every bureau thereof, and so much of the twenty-seventh section of the four hundred and forty-sixth chapter of the laws of eighteen hundred and fifty-seven, as relate thereto, and each and every office in the said District relating to public health, or the duties of which are conferred on said Board, except the Health Officer of the port of New York and the Board of Quarantine Commissioners and its officers, are hereby abolished. And no salary or compensation shall be due or paid by any officer or board whatever, to any officer or agent or board in said District for services to be rendered after this act goes into effect, under any law or ordinance concerning life or public health, except under this act and as authorized by the Board hereby created. And all other boards and officers now existing in said district under or by virtue of any law or ordinance relating to public health, are hereby also abolished; and no compensation shall be paid to

or in respect of the same for any service rendered after this law shall go into effect, save as said Board of Health shall authorize.

SEC. 27. All the sums of money provided or raised for meeting the expenses, compensations, and payments provided by this act, or that may be authorized by said Board (except penalties or other sums received and amounts collected by suit as herein provided), shall be paid into the treasury of the State, and shall constitute a fund, to be, so far as needed, used by said Board in the performance of its duties and discharge of its obligations; and may and shall be paid therefrom, on the order of the treasurer of said Board, as said Board may direct, and shall be applied and paid by the treasurer of said Board only as this act and the regulations of said Board may authorize. And unless this Board shall otherwise specially provide, all salaries and compensation for services and expense shall, so far as practicable, be paid quarterly. And any member or officer of said Board may, if a judge shall so order, be summarily examined upon an order (to be made on application and written affidavit on the oath of three freeholders of said district) requiring such examination, and signed by any justice of the supreme court of the first judicial district, and directing such examination to be publicly made, at the chambers of said justice, at a day and hour to be named, not less than forty-eight hours after personal service of said order, and such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any of said moneys or fund, or any other delinquency charged in said affidavit, touching their office or the discharge or neglect of duty of which it is alleged, in the application for said order, that such member of said Board or said officer has knowledge or information. And such member or officer shall answer such pertinent questions relative thereto as the judge shall direct, and the examination may be continued from time to time as such judge may order, but the answers of the party charged shall not be used against him on any criminal proceeding. The proceedings may be continued before any other judge in said District, and other witnesses, as well as the parties making such application, may, in the discretion of such judge, be compelled to

attend and be examined touching such alleged delinquency; and such judge may publish any refusal to attend such examination or to answer any questions pursuant to his order as for and being a contempt of court. And such examination, affidavit, and orders, shall be filed in the office of the County Clerk of the county of New York. And in regard to this last examination and matters therewith connected, any such judge shall have all the powers and authority conferred in respect to the examination or proceedings mentioned in the fourteenth section hereof, as if herein repeated.

SEC. 28. The Mayor and Comptroller of the city of New York and the Mayor and Comptroller of the city of Brooklyn, together with the members of said Board, created by this act, shall, on reasonable notice from said Board, convene at the office of said Board of Health, as a Board of Estimate, a majority of whom shall form a quorum, and shall annually, on or before the first day of August, make up a financial estimate and statement, including all sums and expenses in arrear, and also any sum borrowed, as herein elsewhere provided for, of the sums required for the year, commencing on the first day of January ensuing, annually (above any sums on hand), for the expenses and proper support, and for the discharge of the duties of said Board, including the proper expenses and disbursements of said Board, and of the members or officers thereof in the discharge of their official duties, and for such other general or incidental expenses as may from time to time, in the judgment of such Board of Estimate, become necessary, with the enumeration thereof. But the sums raised for the expenses of any year shall not exceed one hundred thousand dollars in amount, independently of such sums as may have been expended in the presence of great and imminent peril to the public health in said District by reason of impending pestilence, and independently of the sums herein elsewhere provided, to be paid by or recovered back from any person or corporation.* And the expenses for the remainder of the current year after the passage of this act, to be reckoned at the said rate of one hundred thousand dollars a year, independently of said extraordinary expenses, and of said sums to be

* Amended, Laws of 1867, Chapter 956, Section 15.

paid or recovered back, shall be estimated and apportioned to the several cities, counties, and towns in said District as hereinafter provided, and collected in the next annual tax levies. Such estimate shall be accompanied by a written apportionment, made by said Board of Estimate, of the proportions of expenses applicable to and to be paid by each county, city, and town in said District. And in apportioning the salaries of the members of the Board, its officers, agents, and employés, the following rules shall be observed:

1. The salaries and compensation of all members of the board appointed to this Board, other than the Health Officer, from any county, and of all officers, agents, and employés thereof, whose principal sphere of duty shall be in any county, shall be apportioned against and paid by such county.

2. The salary of the Health Officer, and all general, office, contingent, and other expenses of the Board, not included in the first class aforesaid, shall be apportioned against and paid by the respectives counties and towns (or counties to which they belong) in the ratio of the taxable property, real and personal, of each, in said District, according to the assessment under which the last preceding taxes therein were respectively levied.

3. But no apportionment against any county (or town therein), other than the counties of New York and Kings, shall be made under the two foregoing clauses, unless as follows, that is to say: Each other county (and each of said towns) shall have apportioned against it and shall pay all disbursements and expenses arising, caused or ordered therein, to or by said Board, or for salaries, and services, or portions thereof, earned or rendered therein, as the regulations of said Board may provide; but such salaries and services will not include any portion of the salaries of the members of the Board or of its general officers.

4. It is further provided, in respect of each of said counties, that all the expenses caused by any act or any order of said Board, or the execution thereof in or for any particular county or part thereof, shall be apportioned to and be paid by said county or part thereof; and any sums collected in either shall be credited to such county or part thereof, unless the same was on account of expenses incurred in some other

county, city, or town, and in that event it shall be credited thereto. The said estimate and statement shall, at least ten days before the first day of September in each year, be submitted to the committee of revision, composed of the Presidents of the Boards of Supervisors of the counties of New York, Kings, Westchester, and Richmond, and of the Presidents of the Board of Aldermen of the city of Brooklyn, and of the Supervisors of the respective towns of Newtown, Flushing, and Jamaica, in the county of Queens, who may meet, by a majority thereof, and consider and act upon the said estimate and enumeration, on or before the first Monday of September in each year. If the said committee of revision, on or before the second Monday of said September, shall object in writing to such estimate or apportionment, or any portion thereof, and so in writing, by said date, notify, or cause to be notified, the said Board of Estimate, it shall be the duty of the latter to immediately and carefully revise the same, and consider the said objections. If such committee shall fail to meet, or if said Board of Estimate shall adhere to their original action and estimate, or if they shall modify the same, but they shall not increase the same, then their final determination, apportionment, and action, shall be binding and conclusive upon all concerned. And the Board of Supervisors of the counties of New York, Kings, Westchester, Richmond, and Queens (the expenses in the last-named county to be charged and collected in, and in respect of the property of the towns of, Newtown, Flushing, and Jamaica), respectively,* are empowered and directed, annually, to order and cause to be raised and collected, by tax upon the estates, real and personal, subject to taxation according to law, within the said respective counties and towns, their respective proportions of the sums of money as aforesaid, annually estimated and as apportioned and finally determined upon, as said total expenses and estimate aforesaid. The sums of money so respectively raised, as provided for in this act, shall be, by the proper officers, immediately and without deduction, paid into the Treasury of the State, and shall constitute the separate fund herein elsewhere mentioned and provided, and be used only for the purposes of

* As amended, Laws of 1867, Chapter 956, Section 4.

said Board, and shall be paid from the State Treasury, under such appropriate regulations as shall be agreed upon between the Comptroller of the State, the State Treasurer, and the Treasurer of said Board.

SEC. 29. The said Board may borrow on the credit of this act, and of the funds to be raised thereunder, such amounts (the borrowing of the same respectively to be first approved in writing by the Governor of the State) as may, in the opinion of said Board, be reasonably necessary and proper to enable it to discharge its duties and defray its expenses hereby authorized, up to the time when the requisite funds can be realized, for said Board and purposes, from the taxation and sources herein provided for and authorized; and such moneys so borrowed, with legal interest, shall be a charge upon and shall be repaid by the said counties and cities and towns in the proportion hereinbefore provided, and the amounts thereof shall, in addition to the requisite annual expense to secure a future annual fund, be included or allowed in the next or first annual estimate of the sums required and expenses as aforesaid, and shall, with interest, be included, and the amount, with interest collected in and with the tax in this act provided for, and the same shall go into the said fund, and shall from thence, by the Treasurer of the Board, be paid to or in favor of the parties entitled. And said Board may issue its certificates to those of whom it borrows money, as herein authorized, under its seal, and signed by its President and Secretary, and bearing interest at the rate of not more than seven per cent., and payable at a time not more than eighteen months from the date at which any sum may have been borrowed.*

SEC. 30. † Whoever shall violate any provisions of this act, or any order of said Board, made under the authority of the same or any by-law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said Board, or any order of the Board of Police, in pursuance or execution of the order of the Board of Health, or wilfully omit to obey any such order, shall be guilty of a misdemeanor, and be liable to be indicted and punished for such

* Amended, Laws of 1867, Chapter 956, Section 10.

† As amended, Laws of 1866, Chapter 686, Section 2.

offence: and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon this Board was exercised by any other board or officer or officers, the omission or doing of such, or a corresponding act or thing, which this act requires, or contemplates to be done or forbids, shall in like manner be a misdemeanor, and the offender shall be liable to indictment and punishment for the same. A wilful omission or refusal of any individual, corporation, or body, to conform to any sanitary regulation of said Board, duly made for the protection of life, or the care, promotion, or preservation of health, pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor. And all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within said district, or within the town, city, or village, within which any such misdemeanor under this act was committed. And any person, corporation, or body, which may have wilfully done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for, a misdemeanor, shall, in addition thereto, be subject to a penalty of two hundred and fifty dollars, to be sued for and recovered by said Board in any civil tribunal in said district, except that in the marine, or justice, or county courts, no greater amount can be recovered than the extent of the jurisdiction in other civil suits. And any such suits may be against one or more, or each or all of those who participate in the act, refusals or omissions complained of, and the recovery may be against one Board, or any order of the Board of Police, in pursuance or execution of the order of the Board of Health, or wilfully omit to obey any such order, shall be guilty of a misdemeanor, and be liable to be indicted and punished for such offence, and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon this Board was exercised by any other board or officer or officers, the omission or doing of such, or a corresponding act or thing, which this act requires, or contemplates to be done or forbids, shall in like manner be a misdemeanor,

and the offender shall be liable to indictment and punishment for the same. A wilful omission or refusal of any individual, corporation, or body, to conform to any regulation of said Board, duly made for the protection of life, or the care, promotion, or preservation of health, or the carrying out the purposes of this act pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor.* And all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within said district, or within the town, city, or village, within which any such misdemeanor under this act was committed. And any person, corporation, or body, which may have wilfully done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for, a misdemeanor, shall, in addition thereto, be subject to a penalty of two hundred and fifty dollars, to be sued for and recovered by said Board in any civil tribunal in said district, except that in the marine, or justice, or county courts, no greater amount can be recovered than the extent of the jurisdiction in other civil suits. And any such suits may be against one or more, or each or all of those who participate in the act, refusals or omissions complained of, and the recovery may be against one or more of those joined in the action, as the justice of the court shall direct. And the provisions of this section as to the jurisdiction of tribunals, parties, and costs, shall apply to all suits by said Board or its assignees or the assignees of the Police Board under this act. And said Board of Health may institute and maintain in its own name all such suits and proceedings as shall be reasonable, necessary, and proper, for recovering any moneys expended, enforcing the payment of any fine, the punishment for any offence, or in other respects carrying out the objects of this act.† All processes and papers usual or necessary in the commencement and prosecution of actions, or for the collection of money, in suits or proceedings under this act

* See Laws of 1867, Chapter 956, Section 17.

† Ibid., Section 8.

on execution, may be served by any policeman, and in and about such matters, the policeman so engaged shall have all the powers of marshals, and no fees shall be charged by any court, magistrate, or clerk, for the issue of any paper or process, or the performance of any duty in suits under this act. Any civil action brought under or by authority of this act, shall be in the name or by the authority of said Board, and may be brought in any court in said district having jurisdiction in any civil action, to an amount as large as is demanded in such action, and if judgment be rendered for the plaintiff in any amount, costs of the court in which such action is brought shall also be recovered without reference to the amount of the recovery, provided payment was demanded before suit brought, and the defendant or defendants in the action against whom the recovery is had, did not, as the code of procedure authorizes, offer to pay an amount equal to the recovery against him or them, except that in cases where the recovery shall be less than fifty dollars, the amount of costs shall be ten dollars, and in case no recovery is had, the plaintiff shall not pay costs, unless the judge or justice at the conclusion of the trial shall certify in writing that there was not reasonable cause for bringing the action, and in such case the costs shall not exceed ten dollars, unless the amount claimed exceeded fifty dollars. No action shall abate or right of action already accrued be abolished by reason of the expiration, repeal, or amendment of any ordinance, code of health ordinances, or regulation of said Board; nor shall any court lose jurisdiction of any action by reason of a plea that title to real estate is involved, provided the defendant is sought by the pleadings, to be charged in said action on any of the grounds mentioned in this act, other than by virtue of ownership of such real estate. In respect to all proofs and proceedings by said Board, or its agents or officers, under this act, papers filed shall be deemed entered upon or in the minutes of the Board.

SEC. 31. Copies of the records of the proceedings of said Board, of its rules, regulations, by-laws and books and papers constituting part of its archives, when authenticated by its Secretary or Secretary *pro tem.*,* shall be presumptive evi-

* Chief Clerk added, Laws of 1887, Chapter 956, Section 1.

dence, and the authentication be taken as presumptively correct in any court of justice or judicial proceeding, when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained; and the action, proceedings, authority and orders of said Board shall at all times be regarded as in their nature judicial, and be treated as *prima facie* just and legal.

SEC. 32. It shall be the duty of all prosecuting officers of criminal courts and police justices to act promptly upon all complaints, and in all suits or proceedings for any violation of this act, and in all proceedings approved or promoted by said Board, and to bring the same to a speedy hearing or termination, and to render judgment and direct execution therein without delay.

SEC. 33. This act, so far as it relates to the appointment of the Sanitary Commissioners provided for therein, shall take effect immediately, and shall, in other respects, go fully into effect on the first day of March, eighteen hundred and sixty-six.

CHAPTER 686, LAWS OF 1866.

AN ACT to amend an Act entitled "An Act to create a Metropolitan Sanitary District and Board of Health therein, for the Preservation of Life and Health, and to prevent the spread of Disease therefrom," passed February 26, 1866. Passed April 19, 1866, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

[The first five sections of this Act are declared to be amendments of Chapter 74, and are inserted there.]

SEC. 6. Said Board may, by resolution, confer upon the President power to exercise, in the absence of the Board, the authority given in the fourteenth section, to temporarily suspend or modify any order or its execution. And said Board may change or modify any order made under the first clause of the fourteenth section, except that, in cases where no hearing is asked for by the party affected, the order shall not be

so altered as to render its effect more stringent than the original order.*

SEC. 7. This act shall take effect immediately.

CHAPTER 956, LAWS OF 1867.

AN ACT relating to the Metropolitan Board of Health, and to the duties and powers of the commissioners of said board, and the salaries of their subordinates. Passed May 25, 1867; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SEC. 1. The Metropolitan Board of Health shall hereafter have the power of electing persons to perform, *pro tempore*, the duties of Secretary or President respectively, during any time when either of said officers may be absent, or be unable or may refuse to perform their respective duties; and the board may designate one of the clerks in the Secretary's office of said board as "chief clerk," who may perform such duties of the Secretary as shall be assigned him; and papers certified by said chief clerk shall be of the same effect, as evidence and otherwise, as if certified by the Secretary; and all courts shall take judicial notice of the seal of said board and of the signature of its Secretary and chief clerk.

SEC. 2. It shall be the duty of the officers and men of the Metropolitan police force to enforce all of the ordinances and regulations of said Board of Health, and to report all violations of the same; where, in any case the minimum penalty for a refusal to obey, or for a violation of any order, regulation or ordinance of said Board of Health, or any law, is not fixed, the amount recovered in such case shall not be less than twenty dollars; and the judge or justice who presided at a trial where such penalty is claimed, shall, on said trial, in writing, fix the amount (not contrary to said provisions) of said penalty to be recovered, and shall direct such amount so fixed to be and it shall be included in the judgment.

* Amended, Laws of 1867, Chapter 956, Section 10.

SEC. 3. Said Board shall have the same powers in respect of persons afflicted with pestilential or infectious diseases, as are given by the sixteenth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six, or otherwise, in respect of persons afflicted with contagious disease, and shall have power to provide and pay for the use of proper places to which to remove such persons, as well as to designate such places; and said Board may cause proper care and attendance for such persons so sick or removed, when it shall appear to said Board that any such person is so poor as to be unable to procure for himself such care and attendance.

[Section 4 is a verbal amendment of Chapter 74, and is incorporated there.]

SEC. 5. Service of any order of said Board of Health shall be deemed sufficient, if made upon a principal person interested in (or upon a principal officer charged with duty in respect of) the business, property, matter, or thing, or the nuisance or abuse to which said order relates; or upon a person, officer or board, or one of the board who may be most interested in or affected by its execution. And if said order relate to any building (or the drainage, sewerage, cleaning, purification or ventilation thereof, or of any lot or ground on or in which such building stands) in the cities of New York or Brooklyn, used for or intended to be rented as the residence or lodging-place of several persons, or as a tenement house or lodging-house, service of such order on the agent of any person or persons for the renting of such building, lot or ground, or for the collecting of the rent thereof (or of the parts thereof to which said order may relate), shall be of the same effect and validity as due service made upon the principal of such agent, and upon the owners, lessees, tenants and occupants of such buildings, or parts thereof, or of the subject matter to which such order relates.

SEC. 6. The word nuisance, as used in this act, shall be held to embrace public nuisance as known at common law, or in equity jurisprudence; and it is further enacted that whatever is dangerous to human life or detrimental to health; whatever building or erection, or part or cellar thereof, is over-

crowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to their or its intended or actual use; and whatever renders the air, or human food or drink, unwholesome, are also, severally in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal; and each and all persons and corporations who created or contributed thereto, or who may support, continue or maintain or retain them, or any of them, shall be jointly and severally liable for or toward the expense of the abatement and remedying of the same; but, as between themselves, any such persons and corporations may enforce contribution or collect expenses, according to any legal or equitable relations existing between them; but nothing herein contained shall annul or defeat any common law liability or responsibility in respect of nuisances. Provided, however, that nothing contained in this act or in the act entitled "An Act to create a Metropolitan Sanitary District and Board of Health therein for the preservation of life and health, and to prevent the spread of disease," passed February twenty-sixth, eighteen hundred and sixty-six; nor in the act amending said last-mentioned act, passed April nineteen, eighteen hundred and sixty-six, shall be construed to confer or as conferring upon the said Board or its officers or agents the power or authority to order the removal, tearing down, or injury of any of the stalls or stands around Fulton or Washington Markets, in the city of New York, which were erected or enlarged to their present size prior to the first day of May, 1866, at any time before the first day of July, 1869; and if, at such date, the erection of a new market or markets, in the place of said markets, shall have been authorized by law, such power shall not be exercised at any time prior to the first day of May, 1870. But it is hereby expressly declared that the said Board shall have and possess full and complete power with reference to the ventilation, drainage and cleanliness of said stands or stalls, and shall have power to order the removal of all stands or stalls which have been erected or enlarged upon any street or sidewalk in said city since said first day of May, 1866, or shall hereafter be so erected; and that the power given to said Board over obstruc-

tions in the streets or on the sidewalks by existing laws is hereby expressly reaffirmed, except as herein modified; and the said Board are hereby directed to propose and submit to the next Legislature plans and recommendations for the building of one or two new markets, whichever they shall deem necessary, to replace the Fulton, Washington and West Washington Markets in said city.

1. Said Board of Health may institute and maintain, in any court in the Metropolitan Sanitary District (having jurisdiction in suits where the amount claimed exceeds one thousand dollars), a suit or suits for the abatement or remedying of any of the aforesaid nuisances, either completely or as fully as may be thought necessary by the court. And said Board shall also have, in said District, all common law rights to abate any nuisance without suit, which can or does, in this State, belong to any person whatever. And all costs collected in any such action or proceeding shall be paid over to the Treasurer of the Board and accounted for by him.

2. To all such suits the provisions of chapters seventy-four and six hundred and eighty-six of the laws of eighteen hundred and sixty-six, relative to jurisdiction, costs, and parties, shall be applicable; and the courts shall allow the plaintiff, at any proper stage of the case, to amend, by joining other parties defendant; and no suit shall be dismissed or defeated by reason of there being other persons interested therein or concerned in causing, creating, or maintaining the nuisance complained of in such suit where such person is not a necessary party to the suit.

3. Such suit shall be tried as an issue of law, and without a jury, unless some defendant shall, in his answer, or by notice in writing to be served on the plaintiff's attorney within five days after service of said answer, demand a trial by jury on some question of fact, to be in said answer or notice distinctly stated, and in respect of which a right of trial by jury exists; and if any such demand be so made and served, the case shall, as to all the defendants, be placed on the calendar of jury trial cases, and when reached for trial, if issues of fact for the jury have not before been settled, the presiding judge may state in writing the issues of fact to be submitted to the jury, or the trial shall proceed upon the material issues of fact made by the

pleadings without such written statement of issues; and the judge who presided at the trial (or some judge of the same court, if said judge be unable) shall, on receiving the verdict, or as soon thereafter, and at the same term, if possible, settle and cause to be entered the proper judgment in said suit.

4. If the judgment be that any nuisance may be abated or remedied, in whole or in part, said judgment shall contain sufficient directions for its proper execution, and the judge shall, from the pleadings and from the evidence given at the trial, find and state what proportion of the expense of such execution shall be paid or be borne by each or all of the defendants, jointly or severally; and if, in the opinion of the court, any part of or all the expense of such execution should be borne by said Board of Health, or the execution of such judgment should be made by said Board, or under its direction, said judgment shall contain the appropriate directions in respect to such last-named payment or execution. And the court may also adjudge the Board to pay or advance such proportion of the expenses of executing such judgment, as the judgment shall not direct to be paid by some one or all of the defendants. Said judgment, if against any defendant, shall, on its face, state that it will be a lien on the real property, corporeal hereditaments of such defendant or defendants respectively, to which the said nuisance shall have related, till his or their proportion of such expenses of execution are satisfied, or the lien thereof shall be otherwise discharged according to law.

5. Any person prejudicially affected by the lien of any such judgment may, on eight days' notice to said board, make a motion before any judge of the court in which said judgment was rendered, for an order that the lien of such judgment be discharged as to all or any specific property set forth; and if it shall appear to such judge, on the hearing of such motion, that such eight days' notice of such motion has been given to the Board of Health, and that such judgment has been executed and the expenses paid, which the lien sought to be discharged was designed to secure; or if a proper or sufficient undertaking or bond, with sureties, shall be given for the payment of such expenses; or if said Board of Health, through its attorney or counsel, shall in writing consent to the discharge of

the last-named lien, as to any or all property referred to, or as to one or more defendants, then said judge may order said lien discharged of record by the proper officer, to the extent and as to the person or persons that the order shall specify; and it shall be so discharged; and such order and the moving papers shall be filed with the proper clerk, as the judge shall direct.

6. No appeal by any party defendant shall stay the execution of any judgment aforesaid, except to the extent, in reference to the persons, and on the conditions the judge who tried the case, if he can be conveniently applied to, or, if not, some other judge of the same court, shall, on the settling of the judgment, or on motion, and on four days' notice to said Board of Health, and with due reference to the public interests involved, specially order; and if no such order shall be made, the judgment shall be executed, notwithstanding any appeal, undertaking, or security, and without any liability on the part of any person (other than as herein elsewhere provided, in respect of said board), by reason of any damages or consequences growing out of the execution of such judgment, whether the same be reversed or not. All appeals by the defendant from any judgment in the said abatement suits shall be taken within ten days after notice in writing to the defendant or his attorney, of the entry of the judgment therein, and the judge who tries the case may, in his discretion, and without security, but only for the period of the said ten days, order a stay as to the execution of the judgment; and within said period of ten days an undertaking or security on appeal (to stay execution of the judgment, as herein provided) must be filed, the same to be otherwise of the form and obligation as is required in ordinary appeals from judgments, but which shall also be conditioned for the payment of the appellants' adjudged share of the expenses of executing such judgment as the court may have estimated and said judgment may have stated, or (i. not estimated in said judgment), as the judge, on application and three days' notice to said board, shall estimate the same, in conformity with the judgment, for the purpose of such security on appeal. But, pursuant to any order, or otherwise, the execution of any judgment against the defendants shall not be delayed beyond said ten days, if within that period the

proper undertaking or security on appeal, approved by the judge, has not been filed, and the appeal perfected, as herein provided; and the judgment may state the estimated expense that will have to be paid by any party toward executing said judgment. But said board may appeal in any such case, or any case to which it is a party, within ten days after the entry of any judgment, and without giving any security; such appeal shall be effectual, and shall operate as a stay on the judgment, or upon the part thereof in respect to which said Board appeals.

7. In any such abatement suit said Board may join a cause of action for any penalty or penalties that may have been incurred by either of the defendants, by reason of, or in connection with, the nuisance complained of, or by reason of any omission or refusal of any defendant to obey or comply with any order of the Board of Health touching such alleged nuisance, and have the proper provision in any judgment therefor against one or more of the defendants. No motion for a new trial on a case made shall be entertained in any such abatement suit, except as a part of and as arising upon the papers upon a regular appeal to a general term of the court, and to be heard therewith.

8. The judgment of the general term, if it shall to any extent direct any change in the judgment appealed from (but shall direct, or allow or fail to forbid the judgment in part to be executed), shall also contain the requisite specific provisions, so that the judgment as modified may be executed, and the due proportion of the expenses of such execution may be assessed on the defendants respectively, or on said Board, as the general term may adjudge. Upon any appeal from the general term to the court of appeals, in such abatement suit, the provisions hereof as to appeals from the judgment to the general term, and as to security on appeal, shall, in all particulars, including the length of time given in which to take an appeal, apply; and no change in the code of procedure, or otherwise, hereafter to be made, though in subject matter applicable to said abatement suits, shall be construed to modify the aforesaid or other provisions of the health laws, as to any suits thereunder, unless such act shall specifically declare such modification to be intended.

9. Upon the execution in whole or in part of any such judgment (if said Board shall, as it is hereby authorized to do, decide the public interest to demand only execution in part thereof), a statement of the expenses of such execution shall be made, and such expenses shall be therein apportioned not contrary to any provisions of said judgment; and upon the same being verified by the oath of some person who by due authority, took part in or had charge of the execution of such judgment, or by some officer of said Board, such statement, entitled in the case, may be filed or given to the proper clerk to be filed, with such judgment; and notice of such filing or delivery, and a copy of such statement, shall be given to the attorneys of the defendant in the suit, or to the defendants themselves, or to some one of the joint defendants; and unless within ten days after any such notice, such defendants shall give due notice in writing, to said Board or to the person who, as assignee or by order, executed such judgment or is entitled to payment of such expense (in case it was not executed by said board), of a motion, and serve therewith copies of affidavits to correct such statement in particulars to be mentioned, and separately and clearly stated in such affidavit, such statement aforesaid shall be, in all suits and proceedings and tribunals, and at all times, deemed and taken to be final, conclusive, and correct; and no formal defect in such statement shall in any wise vitiate the same. And on any hearing of such motion, any party in interest, or said Board, may read affidavits in support of such original statement; and the finding of any judge on the hearing of such motion, as to the said statement of such expenses and other matters in such motion involved or statement contained, shall be final and conclusive, and not subject to appeal; and such finding or statement as modified by such finding, when filed, shall be of the same effect as such original statement would have been, had no motion in regard thereto been made; and for the purpose of an execution for such expense, and creating a lien under any judgment, such statements and finding or modified statement shall be regarded as a part of said judgment, and the lien thereof shall extend to any amounts stated in such final statement and finding.

10. For the proportion and amounts, as authorized by such judgment, and contained in such finding or in such statement

or modified statement, when either of the same shall have become final as aforesaid, said Board or any assignee of such Board, or any other person who has executed such judgment, or has otherwise a right to receive the expense of so doing (or the portion thereof that may be due from any defendant), shall have execution, on such execution being allowed, ex parte, by a judge of the court in which any judgment was recovered (and such execution, shall, in due form, be allowed, by any such judge); such execution to be against any one or more defendants or joint defendants for the recovery of any amount due from such defendant or defendants, which the party claiming such execution is entitled to receive; and such execution, except as herein especially provided, shall be of the same effect and form as any execution duly issued pursuant to any judgment. But no execution shall be issued against any defendant for less than the whole sum due from such defendant, or for less than he shall be liable to pay in such suit; but any sum adjudged against any defendants or defendant, in any such abatement suit for penalties, costs, or for other cause than the expense of the abatement or remedying of such nuisance, may be collected by separate or other executions (than those authorized for collecting such expense), to be issued in due course of law.

11. In any abatement suit aforesaid, the court, or a judge thereof, may issue and enforce an appropriate preliminary injunction, whenever it shall be asked for pursuant to an order of said Board of Health, by affidavit, and there shall appear to such judge to be reasonable cause therefor; and such injunction may also be granted whenever it shall be made to appear to the court or a judge thereof, by affidavit, that such injunction is needed to prevent any illegal act, conduct, or business aforesaid, or its continuance, or to prevent serious danger to human life, or serious detriment to health, or great public inconvenience touching any matter or thing to which this act or the health laws aforesaid relate. And in any such injunction order the court may require any building, erection, or grounds, to be put in a condition that will not be dangerous to the life or detrimental to the health of any occupant, before the same shall be leased, or rented, or occupied, or before any rent or compensation shall be collected for the rent or use of the whole or any

portion of the same. In any such injunction order, and also in any judgment in any abatement suit, the judge or court may require the tenants, lessees, and occupants (or either or any of them) of any such building, erection, or grounds, to pay the rent thereof (or compensation therefor) due or to grow due, to said Board, and said Board to collect and receive the same, and to apply said rent to pay the expenses of putting any said building, erection, or ground, in a condition, that will not be dangerous to the life or detrimental to the health of any present or future tenant, lessee, or occupant, or of any other persons; all such collections and payments to be made in such manner, to such extent, and on such conditions, as any such order or judgment may provide; and every such payment to said Board, and the receipt of its Treasurer for such rent or compensation, shall be as effectual to protect any person who has made the same, and every such tenant, lessee, and occupant, and all his and their rights under any lease or occupation, as if such payment had been made to and such receipt had been given by any lessor or owner, or any proper claimant of any such rent or compensation, who had, but for such order or judgment, the right and authority to receive the same. (But no undertaking or security shall be required or necessary, on the part of said Board, as a condition of granting such injunction, or the same being effectual; and in any final judgment in such suit there may be enjoined whatever, if about to happen or threatened, would be the proper subject matter of a preliminary injunction.) And when the public interest seems to the court to require a speedy trial or hearing of any such suit or appeal therein, it shall be the duty of any judge of any court aforesaid, or of the court to whom application by said board may be properly made, to cause such suit or appeal to be brought to a speedy trial (and before it would otherwise be reached for trial or argument in due course on the calendar), as the judge or court may by special order direct.

12. In so far as any judgment may be directed to be executed at the expense of said Board of Health, or by any party defendant at his own expense, and shall by such party defendant be so executed, the expense of such execution shall not be stated or embraced in the aforesaid statement or finding of expenses; but if any part of the execution aforesaid, which any

party should have borne or paid, shall (by reason of the delay, refusal, or defective act or execution of such party, or any other cause) be paid, borne, or incurred by said Board of Health, in and about the execution of such judgment, then the said latter expenses of said Board may be embraced in said statement and finding, and collected by execution as aforesaid.

13. Whatever expenses said Board of Health may lawfully and properly incur in the execution of any judgment aforesaid, or in executing, or in connection with its own orders, made in good faith, or in and about the discharge, in good faith, of its supposed duties, or in satisfying any liability or judgment it may have in good faith incurred or suffered by reason of its acts done in good faith as aforesaid, or in satisfying any claim against its officers or subordinates, arising from their acts in the discharge in good faith of their supposed respective duties, shall, so far as established, be paid out of its fund or other moneys, and shall be apportioned, assessed, collected, and paid as is provided in the health laws aforesaid in respect to the expenses of said board, and such sums paid or recovered under this act, shall not be included in or considered as a part of that class of the expenditures of the Board in respect to which there is or may be a specific limitation as to amount.

SEC. 7. No member, officer, or agent of said Board of Health, and no person (but only the Board itself) shall be sued or held to liability for any act done or omitted by either person aforesaid (in good faith and with ordinary discretion), on behalf of or under said Board, or pursuant to its regulations, ordinances, or said health laws. And any person whose property may have been unjustly or illegally destroyed or injured, pursuant to any order, regulation, or ordinance, or action of said Board of Health, or its officers, for which no personal liability may exist as aforesaid, may maintain a proper action against said Board for the recovery of the proper compensation or damage, to be paid by and from the funds of said Board of Health. Every such suit must be brought within six months after the cause of action arose, and the recovery shall be limited to the damages suffered. And there shall be the same right to sue and recover against said Board (the amount to be paid from its funds), when no security or undertaking is given by the

Board on appeal, or the granting of an injunction, that would have existed (pursuant to the foregoing provisions), to sue and recover of any party to such undertaking, had the same been duly executed by any such party and board, and duly approved and filed, according to the practice in analogous cases.

SEC. 8. Said Board of Health may sue or be sued in and by its proper name, as "The Metropolitan Board of Health," and not in or by the name of the members of said Board or any of them; and service of all process in suits and proceedings against or affecting said Board, and other papers, may be made upon the President of said Board, or upon its Secretary, and not otherwise; except that, according to usual practice in other suits, papers in suits to which said Board of Health is a party, may be served on its attorney. But when a party plaintiff or defendant to a suit (or otherwise designated in any manner, in its capacity as a Board of Excise), said Board of Health shall be designated in said capacity and said Board of Excise shall hereafter be known and described as "The Metropolitan Board of Excise," and only by such last name shall it or its members sue or be sued.

SEC. 9. No preliminary injunction shall be granted against the Metropolitan Board of Health, or of Police, or its or their officers, or against the commissioners of said Boards in their capacity as a Board of Excise, or against the last-named Board, except by the supreme court, at a special or general term thereof, after service of at least eight days' notice of a motion for such injunction, together with copies of the papers on which the motion for such injunction is to be made.

SEC. 10. The sixth section of the six hundred and eighty-sixth chapter of the laws of eighteen hundred and sixty-six, is hereby amended by substituting the word "burthensome" in place of the word "stringent," therein contained. The "code of health ordinances," mentioned in said six hundred and eighty-sixth chapter, shall hereafter be designated as the "code of sanitary ordinances," and the same may embrace all matters and subjects to which, and so far as, the power and authority of said Board of Health extends; nor shall any thing in said acts be construed as limiting their application to the subject of health only; and said ordinances may respectively

be designated as, or include, rules and regulations. Hereafter said code shall be published once only in any week, and for two weeks only in the aggregate, in any one year, and it shall not be necessary to publish any portion of said code which has remained unaltered since its last previous publication. The twenty-ninth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six shall be deemed applicable to any case hereafter to arise, when said Board may find it necessary and proper to borrow money to discharge its duties and defray its expenses, as in said section more particularly mentioned; but no more than twenty-five thousand dollars shall be borrowed by virtue hereof, or under said section, in any one year. The right given in the seventy-fourth and six hundred and eighty-sixth chapters of the laws of eighteen hundred and sixty-six, to said Board of Health, to sue for and recover, in its own name, any penalties, shall embrace any and all penalties that might, before the acts aforesaid, have been sued for or collected by the mayor, aldermen, and commonalty of the city of New York, the city of Brooklyn, or any person (or body in either of said acts referred to), under or in respect of any law or ordinance, the power or authority given or conferred, or purporting to be exercised by which is now possessed by said Board of Health.

SEC. 11. If any person shall knowingly make to said Board of Health or any officer thereof any false return, statement or report relative to any birth, death or marriage, or other matter concerning which a report or return may be legally required of or should be made by such person: or if any member, inspector or officer, or agent of said Board of Health shall knowingly make to said Board of Health any false or deceptive report or statement (in connection with his duties), or shall accept or receive, or authorize or encourage, or knowingly allow any other person to accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering and fully reporting or otherwise acting according to his duty in any respect; then any and every such person shall be deemed guilty of a misdemeanor, and shall be liable to be for such crime indicted, tried and punished according to law, and shall, in addition, forfeit all compensation due or to grow due from said Board.

SEC. 12. Upon the application of any party in interest in any matter pending examination before said Board of Health, by affidavit stating the grounds of such application to any judge of a court of record, and asking that any person or persons therein named shall appear before said Board of Health, or any person taking or about to take such examination, at some time or times and place, to be stated in said affidavit, it shall be the duty of such judge, if he discovers reasonable cause so to do, to issue his order requiring such person or persons named to appear and submit to such examination as and to the extent such order may state, at the times and places to be in said order named; and such order, to be signed by such judge, may be served, and shall in all respects be obeyed as a subpœna duly issued; and a refusal to submit to the proper examination may be punished by such judge, or by any judge of such court, as a contempt of court, upon the facts as to such refusal being brought before any such judge by affidavit.

SEC. 13. The said Board, its assignee, or any person acting under its authority, in executing any order of said Board, shall have a lien for the expenses necessarily incurred in the execution of said order, and said expenses shall be a lien upon the land and buildings upon or in respect of which, or either of which, the work required by said order has been done, or expenses incurred, which lien shall have priority over all other liens and incumbrances, except taxes and assessments. But no such lien shall be valid for any purpose till the said Board or person shall have caused to be filed in the office, or with the officer, where notices of mechanics' liens are now or may be hereafter required to be filed, a notice containing the same particulars required to be stated with reference to mechanics' liens, with the further statement that the expense has been incurred in pursuance of an order of said Board, and giving its date. Upon such filing the said officer shall make the same entry on the book or index in which mechanics' liens are entered as he is required to enter in cases of mechanics' lien, together with a reference to said order by date; and thereafter the same shall, except as herein elsewhere provided, have the same effect in all respects as a mechanics' lien; and all proceedings with reference to said lien, its enforcement and dis-

charge, shall be had and carried on in the same manner as similar proceedings with reference to mechanics' liens are now or may be hereafter by law had or carried on. The filing of such statement shall, as to all persons, have the same effect as filing of notice of mechanics' lien; and unless within two months after actual notice of such filing, proceedings are taken by the party against whom or whose said property the lien is claimed to discharge such lien, the filing shall, as to all persons having such actual notice, become conclusive evidence that the amount claimed in such statement, with interest, is due, and is a just lien upon said land and building. Such lien shall continue to be a lien for the space of four years from the time of filing such statement, unless proceedings are in the meantime taken to enforce or discharge the same, which may be done at any time during its continuance. In case proceedings are so taken, it shall remain a lien until the final termination of such proceedings; and if such proceedings shall result in a judgment for the amount claimed in such statement, or any portion thereof, such judgment shall, to such extent, be a lien in the same manner, and from the same time, as said statement.

SEC. 14. The said Board of Health may from time to time fix and define the time of making, and the form of returns and reports to be made to said Board by the coroners of the counties of New York and Kings, in all cases of *post-mortem* inquests, or viewing of dead bodies held by them or any of them; and the said coroners are hereby required to conform to the directions of said Board in the premises, and it shall be the duty of every coroner at once, and before holding any inquest, upon being called upon to hold an inquest as aforesaid, or notified thereof, to immediately transmit and cause to be delivered to the Secretary of said Board of Health, written notice of the fact of such call for holding inquest, in which shall be stated every particular then known to said coroner as to said call, the body, the place where it is, and the reported cause of death. If at any time said Board, or the Sanitary, or Assistant Sanitary Superintendent, shall deem the protection of the public health to demand, it may (so soon as the coroner's jury shall have viewed the dead body, and an autopsy thereof

shall have been made, provided the coroner deems the same necessary) order the immediate burial of any dead body, or if he or it deems that the public health demands an immediate removal of said body from the place of death to another place for inquest, may likewise at any time order said immediate removal, and shall have power to cause all orders to be obeyed and executed.

SEC. 15. The seventy-fourth chapter of the laws of 1866, is amended, by substituting in the place of the words "one hundred thousand dollars," where the same occurs in the twenty-eighth section thereof, the following words, viz.: "one hundred and fifty thousand dollars." The salary of the Sanitary Superintendent shall be five thousand dollars per annum; of the Assistant Sanitary Superintendent thirty-five hundred dollars, and of the sanitary inspectors not less than eighteen hundred dollars, nor more than twenty-five hundred dollars; and said board may divide said inspectors into classes, and fix the salaries of each class within said limits. Said Board may appoint such number of assistant sanitary inspectors as they shall deem necessary, and fix their salaries at an amount not exceeding twelve hundred dollars each. And all sums that may be expended in executing any order, resolution or regulation of said Board of Health, or in executing any judgment that may be recovered by the Board, or in paying any sums that may be recovered against the Board of Health, shall be deemed sums provided to be paid by and to be recovered back from some person or corporation, within the meaning of the said last-named twenty-eighth section.

SEC. 16. By reason of the additional duties to be performed by the several commissioners of said Board of Health, in their capacity as commissioners of excise, the salary of each thereof, except the health officer of the port of New York, is increased by the sum of fifteen hundred dollars, and a reasonable compensation or salary in addition to what has been heretofore authorized may be paid by said Board to any of its officers or employés whose labors are for that reason increased; the said increase of salary to date from the first day of December, one thousand eight hundred and sixty-six, and the same shall be paid from the moneys received for licenses. The provisions

of the seventy-fourth chapter, of the laws of 1866, so far as the same relate to the calling and holding of meetings, or a quorum thereat, the duties of the Secretary, the dismissal and control of officers and agents, the designation and use of a seal, the authentication and presumptive effect and legality of the records, papers and acts of the Board, shall be held to apply to said Board and the commissioners named in said act, and to their doings, in their capacity as a Board of Excise. Said Board of Excise shall make a like annual report as is required of said Board of Health.

SEC. 17. Any wilful omission or refusal to obey or conform to any part of this act, or any wilful resistance of or refusal to obey any order, regulation or ordinance made in pursuance of this act, shall be subject to the same punishment, penalty and liabilities, both civil and criminal, as if such omission, refusal or resistance was in respect of either of the acts mentioned in the tenth section hereof, or in respect of an order, regulation or ordinance made in pursuance of either of the last-named acts.

SEC. 18. When any order of said Board of Health has been executed, or so far executed as said board may require, the expenses of such execution, giving in general terms the items of such expense, and the date of execution, shall be stated in an affidavit, and the same shall be filed among the records of said board, with the order so executed; and said Board shall take care, by or through some proper officer, or otherwise, that the expenses of such execution be so stated with fairness and accuracy; and when it shall appear that such execution, or the expenses thereof, related to several lots or buildings belonging to different persons, said affidavit shall state what belongs to or arose in respect to each lot of said several lots or buildings, as said board or its authorized officer may direct; and the correctness of such appointment or expenses, as stated in any such affidavit, shall not be called in question or reviewed elsewhere than before said Board; but said Board may revise and correct the same, as said Board shall think truth and justice may require.

Whenever the expenses attending the execution of any order of said Board of Health (and all such expenses are to be

a lien and charge, as said original act specifies as to certain expenses), may be made the subject of a suit by said Board, or its assignee (or the person having a right to recover such expenses), there may be joined in the same suit a claim or claims for any penalty or penalties for violations of either of said chapters, or of this act, or for the violation or omission to perform or obey said order (or any prior order of said board), or for the not doing of that or any portion of that, for the doing of which said expenses arose or were incurred; and said Board may make an assignment of the claim for any such penalty or penalties, to enable the claim for the same and the claim for said expenses to be joined in the same suit; and the proper joint or several judgment may be had against one or more of the defendants in the suit, as they or either of them may be liable in respect of both said claims, or either or any of them.

And said expenses of executing said order, and the expenses of executing any judgment in any abatement suit herein provided for, and the several judgments that may be recovered hereunder, or otherwise, for any such penalty or expenses (or both such penalty and expenses together), until the same are paid or discharged, shall be (a lien as other judgments, and also) a lien and charge upon rent and compensation due or then maturing from any tenant or occupant of the building, lots and premises, or the parts thereof to which any such order or judgment relates, or in respect of which any such expenses were incurred.

And such expenses and judgments shall respectively be liens on the several compensations mentioned, and under the circumstances stated (as to certain expenses being such lien) in the fourteenth section of the seventy-fourth chapter of the laws of eighteen hundred and sixty-six, as if the provisions there contained were here repeated. For the purpose of rendering such lien and charge more effectual to secure payment of any such expenses or judgment, from any rent or compensation aforesaid, the following proceedings may be taken:

1. The Board of Health, or any person owning any such judgment, or the claim for any such expenses, or having a right to receive payment therefor, may serve a copy of the order under or by reason of which such expenses were authorized or in-

curred (with a copy of any affidavit, stating the expenses of the execution of such order), or if the claim be a judgment, may serve a transcript of such judgment (and any affidavit showing the expense of its execution, if there be any) upon any person or corporation owing, or who is about to owe, any compensation (in respect of any matter or thing in said fourteenth section mentioned), or owing or about to owe any rent or compensation for the use or occupation of any grounds, premises or building, or any part thereof, to which said order or judgment relates, and in respect of which such expenses or the expenses embraced in said judgment related or were incurred; and may, at any time of such service, demand in writing that such rent, or any such compensation (to the extent of said claims for said expenses, or of any such judgment or expense in executing the same), shall, when such rent or compensation becomes due and payable, be paid to the Treasurer of said Board of Health.

2. After the service of the papers aforesaid and such demand, any tenant, lessee, occupant or other person owing or about to owe, any such rent or any such compensation, shall, when such rent or any such compensation shall mature or become payable, pay the same, and from time to time any other amount thereof, as the same may become due and payable (or so much thereof as is sufficient to satisfy any such judgment or claim for expenses or both, so served), to the Treasurer of said Board of Health; and such Treasurer shall give his receipt as Treasurer therefor, stating on account of what order or judgment and expenses the same has been paid to him and received; and the amount so received shall be deposited in some bank in the city of New York, where other funds of the Board are kept, to the special account of such Treasurer.

3. Any person or corporation refusing or omitting, as herein directed, to make such payment to said Treasurer, after service of the paper and demand aforesaid, as herein required, shall be personally liable to said Board of Health, or to the party owning any such claim for expenses or judgment (if not belonging to said Board), for the amount that should have been paid to said Treasurer, according to the provisions hereof, and may by such party (or Board, if the owner aforesaid) be sued therefor; and such persons shall not in such suit dispute or

call in question the authority of said Board of Health to incur or order such expense, or the validity or correctness of such expenses or judgment in any particular, or the right of the party making said demand, or his assignee, to have the same paid from such rent or compensation. But the receipt of such treasurer for any sum paid him as aforesaid, shall, in all suits and proceedings, and for every purpose, be as effectual in favor of any person holding the same as actual payment of the amount thereof to the proper landlord, lessor, owner, or other person or persons who would, but for the provisions of this statute, or said service and demand, have been entitled to receive the sum so paid to such Treasurer, could or would have been. And it is further expressly declared, that no tenant or occupant of any lot, building or premises, or his or their assignee or lessee, shall be dispossessed or disturbed, nor shall any lease or contract, or rights, be forfeited or impaired, nor any forfeiture or liability be incurred by reason of any omission to pay any landlord, owner, lessor, contractor, party or other person, the sum so paid to said Treasurer, or any part thereof.

4. The Treasurer of said Board of Health shall retain said money so paid him until twelve days after it shall be made to appear to said Board of Health, or some proper officer thereof, by satisfactory affidavit, that the party or parties, or his or their agent for the collection of any such rent or compensation, who (but for the provisions hereof would have been entitled to receive the same), has had written notice of such payment being made, to said treasurer, and a copy of his receipt therefor; and if at the end of said twelve days, the party or parties aforesaid, so notified, have not instituted suit to recover said money, as hereinafter provided, then the same shall, by said Treasurer, be paid toany person who may own or have the right to recover the amount of the judgment or the claim for expenses so served as aforesaid (or so much thereof as the party may be entitled to), or on account of which the money was paid to said Treasurer; and after such payment by the Treasurer, the party or parties aforesaid (who failed to sue) shall have no right to demand or receive any such money unless they shall, within six calendar months from the expiration of said twelve days, in a suit allege that they had no

notice of such payment to said Treasurer, and shall, on the trial of such suit, prove said allegation, and also that they were not liable to pay the said claim for expenses or the said penalty or judgment, and that the said Board had not jurisdiction to order the expenses aforesaid, on account of which the money was so paid to said Treasurer, or on which any such judgment was obtained; and in case of a recovery in such suit it shall be only to the extent such parties were not so liable; and in such suit any person or persons who may have received said money from said Treasurer or Board shall, by the plaintiff, be made a party defendant; and if the plaintiff shall recover such money, or any part thereof, said Board of Health shall be entitled to any equitable judgment in such suit which the court may see fit to direct for recovering said money back, or any part thereof, from such co-defendant, which had been paid to him by said Treasurer.

5. In case any suit shall be brought under the last subdivision of this section, or before the expiration of the said twelve days, said Board of Health (but not said Treasurer) shall be joined at a party defendant; and any person or persons, other than said Board, claiming the right to receive said money on account of said order, expenses or judgment, or who has received the same, shall also by the plaintiff be made parties defendant; and no answer need be made by said Board (except at its option, or if it be not a claimant as having paid or incurred said expenses, or as being the owner of said judgment), further than the allegation that it holds said money so paid, and is ready to pay it over, as the result of the suit may render it proper, or to pay an equal amount to the plaintiff, if adjudged to do so; and said money shall be held by said Board pending said suit (if not paid over before suit brought as aforesaid), and provided said suit be diligently prosecuted to judgment; and on its conclusion the Board of Health shall cause the money, if still with its treasurer, or the proper amount from its funds, to be paid as the determination of the suit may render proper; and no costs in any suit in this section mentioned shall be recovered against said Board of Health. But to entitle a plaintiff to recover in any such last-named suit, he must make the same proof and establish the same fact as is required to enable him to recover in any aforesaid suit in this

section mentioned, except as to his not having had notice of such payment to such Treasurer. The Treasurer shall obey the directions of said Board, and shall not be personally liable (unless for his own fraudulent acts) for or in respect of any such money or facts aforesaid to any one, but said Board of Health shall pay such sum as may be finally adjudged against it in any suit.

SEC. 19. Said Board of Health is hereby authorized and directed to employ such competent person or persons to reduce to the form of a code all the laws applicable to said Board or such parts of them as are deemed appropriate to be enforced, and to add thereto such Bprovisions as said oard may deem needful; and also to prepare a complete code of ordinances appropriate to be enacted and put in force in said District; and also such general regulations, and blank forms, as in the opinion of said Board are requisite in the discharge of its duties; the same to be reported to the Legislature as early as they can be prepared and perfected, and not later than the opening of the session in eighteen hundred and sixty-nine; and said Board may incur the necessary expense for the purposes aforesaid, and said Board may have such report printed.

SEC. 20. No law heretofore enacted or hereafter to be enacted shall be construed to repeal or modify any portion of this act or of any law relating to said Board of Health, or to the members of said Board, their duties or powers as such or as a Board of Excise, unless and except in so far as said law shall expressly thereto refer, and repeal or modify the said laws.

SEC. 21. The Board of Metropolitan Police shall have power to erect, operate, supply and maintain, under the general laws of the State relating to telegraphs, all such lines of telegraph to and between such places in the District as for the purposes and business of the police the Board shall deem necessary. Said Board may procure and shall own and control all instruments, fixtures, property and materials procured for the purpose above mentioned, but the cost thereof shall be chargeable to general expenses of Metropolitan Police. The board of Police is hereby permitted to use the said telegraph lines to

aid them in facilitating the operations of the Board of Health, and when so used the expense thereof shall be charged to the said Board of Health. The Board of Metropolitan Police may detail from the force members thereof, not exceeding five in number, to perform surgeon's duties in any part of the district, and may remand them to post duty, and while they are so detailed to surgeon's duties their pay shall be the same as other surgeons. The pay of surgeons shall be chargeable to the respective counties in which they served as surgeons; and any surgeon may be dismissed by resolution of the Board, but the unanimous vote of the Board, all the commissioners being present, taken by ayes and noes, and recorded, shall be required to adopt such resolution. The Board of Police may, if requested by the Board of Health, employ their surgeons to aid the sanitary inspectors in the discharge of their duties, under such regulations and order as the Board of Police may make and issue.

SEC. 22. This act shall take effect immediately.

CHAPTER 908, LAWS OF 1867.

AN ACT for the regulation of tenement and lodging houses in the cities of New York and Brooklyn. Passed May 14, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of July, eighteen hundred and sixty-seven, no house, building, or portion thereof, in the cities of New York or Brooklyn, shall be used, occupied, leased or rented for a tenement or lodging house unless the same conforms in its construction and appurtenances to the requirements of this act.

SEC. 2. Every house, building or portion thereof, in the cities of New York and Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or tran-

som window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or, where this is, from the relative situation of the rooms impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved in New York by the Inspector of Public Buildings, and in Brooklyn by the Assistant Sanitary Superintendent of the Metropolitan Board of health.

SEC. 3. Every such house shall be provided with a proper fire escape, or means of escape in case of fire, to be approved in New York by the Inspector of Public Buildings, and in Brooklyn by the Assistant Sanitary Superintendent of the Metropolitan Board of Health.

SEC. 4. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard or area. All stairs shall be provided with proper banisters or railings, and shall be kept in good repair.

SEC. 5. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the Metropolitan Board of Health, and shall have proper doors, traps, soil-pans, and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. Such water-closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets and privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot on a street

in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved in New York by the Croton Aqueduct Board, and in Brooklyn by the Board of Water Commissioners. All such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee, and occupant shall take adequate measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous, or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in, or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the Metropolitan Board of Health may direct. It shall in all cases be water-tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy-vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same, that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Sec. 6. From and after the first day of July, eighteen hundred and sixty-seven, it shall not be lawful, without a permit from the Metropolitan Board of Health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cel-

lar, or underground room built or rebuilt after said date, or which shall not have been so let or occupied before said date. And from and after July first, eighteen hundred and sixty-seven, it shall not be lawful without such permit to let or continue to be let, or to occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar, or room, and extending along the entire frontage thereof, and upwards, from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar, or room, the use of a water-closet or privy kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash-frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar, or room is connected with the front vault, cellar, or room by a door and also by a proper ventilating or transom window, and where practicable also, connected by a proper ventilating or transom window, or by some hall or passage, or with the external air. Provided always that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not

to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at least, and if the rise of such steps is open; and provided further that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

SEC. 7. From and after the first day of July, eighteen hundred and sixty-eight, no vault, cellar, or underground room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor, by the Metropolitan Board of Health.

SEC. 8. Every tenement or lodging house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep, or goat, be kept in said house.

SEC. 9. Every tenement or lodging house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage, or other matter in or on the same, or in the yard, court, passage, area, or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement-house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools, and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the Metropolitan Board of Health, so often as shall be required by or in accordance with any regulation or ordinance of said Board, and shall, well and sufficiently, to the satisfaction of said Board, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said Board shall otherwise direct. Every tenement or lodging house shall have legibly posted or painted on the wall or door in the entry, or

some public accessible place, the name and address of the owner or owners, and of the agent or agents, of any one, having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the Metropolitan Board of Health, or the Department for the Survey and Inspection of Buildings, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

SEC. 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement-house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the Metropolitan Board of Health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement-house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent, or lessee, give immediate notice thereof to the Metropolitan Board of Health, or to some officer of the same, and, thereupon, said Board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding, and bedclothes used by any such sick person, to be thoroughly cleansed, scoured, and fumigated, or, in extreme cases, to be destroyed.

SEC. 11. Whenever it shall be certified to the Metropolitan Board of Health by the Sanitary Superintendent, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said Board may issue an order and cause the same to be affixed conspicuously on the building, or part thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found in this State,

requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

SEC. 12. No house hereafter erected shall be used as a tenement-house or lodging-house, and no house heretofore erected and not now used for such purpose, shall be converted into, used, or leased for a tenement or lodging house, unless, in addition to the requirements hereinbefore contained, it conforms to the requirements contained in the following sections:

SEC. 13. It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging house a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear open space exclusively belonging thereto, and extending upwards from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging house on the back part of any lot, there shall be a clear open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified, in special cases, by a permit from the Metropolitan Board of Health.

SEC. 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building, shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such

room. Every such room shall have, at least, one window, connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows, shall not be less than seven feet and six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the Board of Health may prescribe.

SEC. 15. Every such house hereafter erected or converted shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have Croton, Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the Metropolitan Board of Health.

SEC. 16. Every owner or other person, violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each and every day

that such offence shall continue. Such penalty may be sued for and recovered by the Metropolitan Board of Health, and when recovered shall be paid over to the Treasurer of said Board. In every proceeding for a violation of this act, and in every such action for a penalty, it shall be the duty of the owner of the house to prove the date of its erection or conversion to its existing use, if that fact shall become material, and the owner shall be *prima facie* the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof. In any such action the owner, lessee, and occupant, or any two of them, may be made defendants, and judgment may be given against the one or more shown to be liable, as if he or they were sole defendant or defendants.

SEC. 17. A tenement-house, within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let, or hired out to be occupied, or is occupied as the house or residence of more than three families living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

SEC. 18. The Metropolitan Board of Health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants.

SEC. 19. This act, except when it is otherwise expressly provided, shall take effect in May first, eighteen hundred and sixty-seven.

CHAPTER 700, LAWS OF 1867.

AN ACT with reference to the powers of the Metropolitan Board of Health in the regulation of cattle driving and other matters. Passed April 24, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SEC. 1. From and after the passage of this act it shall not be lawful to drive any cattle, sheep, swine, pigs, or calves, through the streets or avenues of New York or Brooklyn, or any of them, except at such times and in such manner as the Metropolitan Board of Health may by ordinance or resolution prescribe. But so long as said Board shall permit the business of slaughtering animals for food to be carried on, in that portion of the city of New York south of Fortieth Street, it shall be lawful to drive through such streets and avenues in the city of New York as may be designated by said Board, and under such restriction as to numbers as said Board may prescribe, cattle from eight o'clock in the evening till two hours after sunrise in the morning, and sheep until twelve o'clock at noon. But in designating the streets and avenues the said Board shall have regard as well to the convenience of persons driving the same as to the character, condition, and ordinary use of the said streets and avenues.

SEC. 2. No person in charge of any cattle, sheep, pigs, swine, or calves, shall, if able to prevent it, permit any such cattle, sheep, pigs, swine, or calves, to pass upon or across any sidewalk in said cities, and any person violating any provision of this act shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the penitentiary for not more than thirty days, or by both such fine and imprisonment.

SEC. 3. In all cases to which said Board of Health is a party, either when acting as such or as a Board of Excise, preference shall be given to the same by all courts and judges on all motions, trials, and appeals, in the same manner as to cases to which the people of the State are directly parties plaintiff, and whenever said Board shall seek any provisional

remedy, or shall prosecute any appeal, it shall not be necessary before obtaining or prosecuting the same to give any undertaking, but such Board shall be liable in the same manner as if an undertaking had been given in the ordinary manner.

SEC. 4. This act shall take effect immediately.

CHAPTER 687, LAWS OF 1867.

AN ACT to authorize the abatement and prevention of certain nuisances deemed dangerous to the public health in the city of Brooklyn. Passed April 23, 1867, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SEC. 1. Whenever it shall appear to the Metropolitan Board of Health, that any surface water has been, or shall be liable to be ponded at any place in the city of Brooklyn, and remain stagnant, so as to be or become a nuisance dangerous to the public health in the vicinity thereof, they shall cause a notice in writing to be served upon the Board of Sewerage Commissioners of said city, specifying the location of such place.

SEC. 2. Said Board of Sewerage Commissioners, upon receiving such notice, shall examine and ascertain whether such ponding of water has been or is liable to be caused by the erection of any building, fence, wall, or other obstruction, so as to prevent the natural or usual flow or passage of surface water, and for that purpose, and for the purpose of draining such water from such pond, the said Sewerage Commissioners, their agents and workmen, shall be and hereby are authorized to enter into and upon any lands and premises in the vicinity of the place designated in said notice, and cause a suitable drain to be made, or a suitable pipe to be laid across any land, above or below the surface thereof, as they may deem best, so as to drain such water from such pond or place, and cause it to flow and be discharged into some public street or sewer.

SEC. 3. Said Sewerage Commissioners shall estimate the damages which may be sustained by the owner or owners of the lands upon which such drain shall be made, or pipes laid,

after giving to such owner or owners ten days' previous notice in writing, of the time and place of making such estimate, which notice shall be served upon such owner or owners personally, or leaving the same at his or their usual place of residence, or upon the premises where such drain or pipe shall be made or laid, with some person of suitable age to receive the same.

SEC. 4. If said Sewerage Commissioners shall, under all the circumstances, deem it proper that such damages and the cost and expenses incurred in making such drain, or laying such pipe, should be borne by the public, as being necessary to prevent or abate a nuisance dangerous to the public health, they shall pay the same out of the general fund raised for sewerage purposes; but if they shall not deem it proper that such damages, costs, and expenses should be so paid, then they shall make a just and equitable assessment thereof, upon all the lands upon which the buildings, fences, walls, or other obstruction, which has caused such water to pond, shall have been or shall be made, and upon such other land adjacent thereto, if any, the owners of which, in the opinion and judgment of said commissioners, ought in justice to bear and pay any part thereof, and the assessment so made shall be liens upon the lands assessed, and shall be collected in the same manner as other assessments made for the costs and expenses of constructing sewers in said city are collected.

SEC. 5. If any person shall wilfully destroy or injure any such drain, pipe, or obstruct or prevent the passage of water through the same, he or she shall be guilty of misdemeanor.

SEC. 6. This act shall take effect immediately.

CHAPTER 382. 1867.

AN ACT to incorporate the Soldiers' Business Messenger and Dispatch Company. Passed April 15, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * SECTION 6. Said corporation is hereby authorized and shall have power to erect and maintain covered stands or booths on the streets of the cities and villages in said district,

except Broadway in the city of New York. Provided, that no booth or stand shall be placed upon the sidewalk, without previous consent of the owner or lessee of the property adjoining or against said booth or stand; and the number, size, and location of said booths or stands shall be determined by the Metropolitan Board of Health, or a majority of said Board, who shall determine and locate the same upon application by the president of this corporation.

* * * SECTION 9. This act shall take effect immediately.

CHAPTER 806. 1867.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for certain county purposes; to extend the powers of the Metropolitan Police, and to provide for the auditing and payment of unsettled claims against said county. Passed April 25, 1867, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * SECTION 26. Nothing in this act shall be deemed to conflict, in any manner, with the Quarantine laws, or with the rules and regulations of the Health Officer of the Port of New York; nor shall any permit or licenses issued under the act hereby amended authorize any person to visit any ship or vessel under quarantine, without the authority of the Health Officer of the Port of New York, or the Metropolitan Board of Health.

CHAPTER 586. 1867.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for the use of the corporation of the city of New York, and in relation to the expenditure thereof; and to provide for the auditing and payment of unsettled claims against said city, and in relation to actions at law against said corporation. Passed April 23, 1867; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

(EXTRACT.)

"For the Metropolitan Board of Health to pay the expense of cleaning such streets, alleys, squares, and public places in the city of New York, as are not provided to be cleaned by

any existing contract, the sum of five thousand dollars, or so much thereof as may be necessary for that purpose. If at any time the said Board shall be of the opinion that the public health requires that any street or streets, avenue or avenues, public place or places, should be cleaned more frequently than is required by the existing contract for cleaning the streets, they may order the same to be cleaned as much oftener as in their opinion the public health requires, and the comptroller shall pay to the person doing the work, on the certificate of the President of said Board, the amount that may be agreed upon therefor, not exceeding in the aggregate the sum of twenty thousand dollars, which sum is hereby appropriated therefor. But nothing herein contained shall be construed as exempting the contractor for cleaning the streets from any existing liability."

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OFFICE, No. 801 MOTT STREET, NEW YORK.

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GEORGE B. LINCOLN.

L A W S

RELATING TO THE

METROPOLITAN BOARD OF EXCISE.

CHAPTER 578, 1866.

AN ACT to regulate the sale of intoxicating liquors within the Metropolitan Police District of the State of New York, passed April 14, 1866; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The persons who are and from time to time shall be Commissioners of the Metropolitan Board of Health, are hereby constituted and created a Board of Excise, in and for the Metropolitan District of the State of New York, excepting and excluding the County of Westchester, and from and after the passage of this act, they alone shall possess the powers and perform the duties of Commissioners of Excise within said Metropolitan Police District, excepting said County of Westchester. They shall receive no compensation for their services as such Board of Excise.*

SEC. 2. There shall, in the said Metropolitan Police District, be an officer called and known by the title of "Inspector of Excise," who, under the Board of Excise, shall be charged with the performance of such of the duties herein imposed upon them as they can and shall delegate to him. The Board of Excise shall have power to appoint and remove such officer, and to pay him out of the moneys to be received by

* Amended, Laws of 1867, Chapter 956, Section 16.

them, as hereinafter provided, such salary as they shall deem proper, not exceeding two thousand dollars a year.

SEC. 3. From and after the first day of May, 1866, no person or persons shall, within the said Metropolitan Police District, exclusive of the County of Westchester, publicly keep, or sell, give away or dispose of, any strong or spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, unless as he or they may be licensed, pursuant to the provisions of this act, and may be permitted by it.

SEC. 4. The said Board of Excise shall, subject to the further provisions hereof, have power to grant licenses to any person or persons of good moral character, and who shall be approved by them, permitting him and them for one year from the time the same shall be granted to sell and dispose of, at any one named place within said Metropolitan Police District, exclusive of the County of Westchester, strong and spirituous liquors, wine, ale and beer, in quantities less than five gallons at a time, upon receiving a license fee, to be fixed in their discretion, and which shall not be less than thirty nor more than two hundred and fifty dollars.

SEC. 5. Such licenses shall be in the form of a written or printed certificate, stating the name of the person or persons, and the place licensed; shall be signed as the said Board of Excise shall provide and direct; shall be kept posted, by the person or persons licensed, in a conspicuous position in the room or place where his or their sales are made, and shall be exhibited at all times by the person or persons so licensed, and by all persons acting under such licenses, on demand, to every sheriff, constable or officer or member of police: any omission so to display and exhibit such certificate shall be presumptive evidence that any person or persons so omitting to display and exhibit the same has and have no licenses.

SEC. 6. Such licenses shall only be granted on written application to the said Board, signed by the applicant or applicants, specifying the place for which license is asked, and the name or names of the applicant or applicants, and of every person interested or to be interested in the business to authorize which the license shall be used.

SEC. 7. Persons not licensed may, within the said Metropolitan Police District, exclusive of the County of Westchester, keep, and in quantities not less than five gallons at a time, sell and dispose of strong and spirituous liquors, wines, ale and beer, provided that no part thereof shall be drunk or used in the building, or in any building, yard, garden or enclosure communicating with, or in any public street or place contiguous to the building in which the same shall be kept, sold or disposed of.

SEC. 8. Licenses granted as above shall not authorize any person or persons to, nor shall any person or persons publicly keep, sell, give away or dispose of any strong or spirituous liquors, wines, ale or beer, on Sunday, or on any day upon which a general or special election or town meeting shall be held, within one-quarter of a mile from the place where the same shall be held.

SEC. 9. The said Board of Excise shall keep a complete record of the names of all persons licensed as herein above provided, with a statement of the place licensed and license fee imposed and paid in each case, which record they shall at all times permit to be seen in a convenient place at their principal headquarters in the City of New York.

SEC. 10. Persons licensed as herein provided shall prevent, so far as is in their power, and shall at all events give immediate notice to the nearest sheriff, constable, officer, or member of police, of all and every disturbance, disorder, or breach of the peace in any place which shall be so licensed, and shall forthwith cause all persons to be removed therefrom, and the place to be closed, and kept closed until quiet is restored.

SEC. 11. No person shall sell, give or dispose of any strong or spirituous liquors, wines, ale or beer, to any apprentice or person under eighteen years of age, knowing or having reason to believe him to be such, without the consent, in the case of an apprentice, of his master or mistress, and in the case of a person under eighteen years of age, of his father, mother or guardian.

SEC. 12. No person shall sell, give, or dispose of, and no person, licensed as herein provided, shall suffer any person for, under, or employed by him, to sell, give or dispose of any

strong or spirituous liquors, wines, ale or beer, to an habitual drunkard, or to any intoxicated person or persons then being under the influence of liquor.

SEC. 13. No person licensed as herein provided shall, against the request of any wife, husband, parent or child, sell, give or dispose of any strong or spirituous liquors, wines, ale or beer, to the husband of any such wife, wife of any such husband, parent of any such child, or child of any such parent.

SEC. 14. All persons licensed as herein provided shall keep the places at which they are so licensed to keep, sell, give and dispose of strong and spirituous liquors, wines, ale and beer, orderly and quiet, and between the hours of twelve o'clock at night and sunrise, and on Sundays, completely and effectually closed. Nothing herein contained shall be construed to prevent hotels from receiving and otherwise entertaining the travelling public upon Sundays, subject to the restrictions contained in this section.

SEC. 15. No person or persons except those licensed as herein provided, and those permitted to sell in quantities more than five gallons at a time, shall give out or profess to sell, or to have for sale, strong or spirituous liquors, wines, ale or beer, or shall have, permit, or continue in or about his or their premises any sign, notice or token that such liquors, wines, ale or beer, are there kept for sale, or give notice or advertise that he or they have such liquors, wines, ale or beer, for sale.

SEC. 16. Every person who shall violate any of the foregoing provisions of this act, shall for each offence be guilty of a misdemeanor, and on conviction thereof, shall be punished with a fine of not less than thirty dollars, nor more than one hundred dollars, or with imprisonment for not less than ten days, nor more than thirty days, or by both such fine and imprisonment. In addition thereto, every person who shall violate any of the foregoing provisions hereof shall be liable to a penalty of fifty dollars for each offence, recoverable in a civil action in the name of said Board of Excise, provided that any person or persons may complain to the President of such Board of Excise of any such offence; and, on the recovery by said Board of the penalty therefor, the said Board shall pay to the person or persons so first complaining, if not members of the Police Department,

the one-half of the penalty so recovered; and said Board shall have authority to employ and pay attorney or attorneys to prosecute actions for the recovery of such penalties.

SEC. 17. No person who shall trust any person for any strong or spirituous liquors, wines, ale or beer, on a sale thereof in quantities less than five gallons, to be, or which shall be drunk, or used in the building, or in any building, yard, garden or enclosure communicating with, or in any public street or place contiguous to the building in which the same shall be sold, can recover or compel payment therefor.

SEC. 18. Any conviction for violation of any of the foregoing provisions hereof, by any person or persons licensed, or at any place licensed, as herein provided, shall forfeit and annul such license.

SEC 19. It shall be the duty of every sheriff, constable, policeman and officer of police to compel the observance, and to prevent the violation of the foregoing provisions hereof; if necessary, by summarily closing and keeping closed any places in which shall be violated any of such provisions.

SEC. 20. Every sheriff, constable, officer or member of police shall forthwith arrest all persons who shall violate any of the provisions of this act, and carry such persons before any magistrate of the city or town in which the offence shall be committed, to be dealt with according to the provisions of this act. And it shall be the duty of every magistrate to entertain complaints for a violation of any of the provisions of this act made by any person under oath.

SEC. 21. It shall be the duty of every sheriff, constable, officer or member of police to arrest any person who shall be intoxicated in the street, any public place or places where strong and spirituous liquors, wines, ale or beer, are sold, publicly kept or disposed of, and to take him before any magistrate of the same city or town; and if such magistrate shall, after due examination, deem him too much intoxicated to be examined, or to answer on oath correctly, the magistrate shall cause him to be confined until he shall become sober, and then to be brought before the magistrate, who shall examine him on oath or affirmation as to the cause of such in-

toxication, and ascertain from him from whom he obtained the liquor he shall have drunk; but such examination shall not be used as evidence against such intoxicated person in any prosecution, civil or criminal, such intoxication being hereby declared to be an offence, punishable upon conviction by a fine of ten dollars and costs, and imprisonment until the same shall be paid, not exceeding ten days.

SEC. 22. The said Board of Excise may at any time, and, upon the complaint of any resident of the said Metropolitan Police District, except in the County of Westchester, shall summon before them any person or persons licensed as aforesaid; and if they shall become satisfied that any such person or persons has or have violated any of the provisions of this act, they shall revoke, cancel and annul the licenses of such person or persons, which they are hereby empowered to do. Upon any inquiry the said Board, or the party complained of may summon, and said Board may compel, the attendance of witnesses before them and examine them under oath.

SEC. 23. All license fees and penalties herein provided for shall be received by, and all fines herein provided for shall be paid over to the said Board, and shall be by them, after deducting therefrom the necessary expenses of collection, appropriated to, and to diminish the expenses of the Police Department of the said Metropolitan Police District, exclusive of the County of Westchester; provided that nothing herein contained shall divert from the State Inebriate Asylum such proportion of license fees as is now set apart for said institution by existing laws. The said Board shall annually report all sums so received by them, and shall in like manner be paid to the treasurer of said Inebriates' Home of Kings County. The money herein directed to be paid to the treasurer of said Inebriates' Home shall be so paid by all magistrates, and courts shall monthly report and pay over to said Board all fines imposed and received by them.

SEC. 24. All courts having jurisdiction to try offences against the provisions of this act shall instruct and charge grand jurors to inquire into all such offences and to indict all offenders.

SEC. 25. Any person who shall sell any strong or spirituous liquors or wines to any of the individuals to whom it is de-

clared by this act to be unlawful to make such sale, shall be liable for all damages which may be sustained in consequence of such sale, and the parties so offending may be sued in any court in this State by any individual sustaining such injuries, or by said Board of Health, and the sums recovered shall be for the benefit of the party injured.

SEC. 26. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed, so far as the same shall apply to the said Metropolitan Police District, except the County of Westchester.

SEC. 27. This act shall take effect immediately.

CHAPTER 77. 1867.

AN ACT to fix the number necessary to form a quorum of the Board of Excise, in and for the Metropolitan Police District of the State of New York, excepting and excluding the County of Westchester. Passed March 11, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A majority of the Board of Excise in and for the Metropolitan Police District of the State of New York, excepting and excluding Westchester County, is hereby declared to be a quorum thereof, with power to do any and all business intrusted to said Board. But no action or order shall be had or taken by the said Board, unless, at a meeting thereof, regularly called, there shall have been a vote thereon had and taken in which vote a majority of said Board shall have concurred.

SEC. 2. This act shall take effect immediately.

CHAPTER 470. 1867.

AN ACT to amend an Act entitled "An Act to establish an Asylum for Inebriates in the City of New York, and provide for the government thereof," passed April 8th, eighteen hundred and sixty-four. Passed April 20, 1867, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. * * * Said Commissioners [of Charities and Correction] are hereby authorized to receive from the Board

of Excise, from time to time, twelve per cent. of the aggregate amount of moneys received in each and every year by said Board of Excise, from and after April first, eighteen hundred and sixty-seven, for license fees received for licenses granted in the city and county of New York, and said Board, on application of the said commissioners, are hereby authorized and directed to pay over from time to time to said commissioners such per centage, which moneys shall be strictly applied by said commissioners to the building, maintenance and support of said asylum, and duly accounted for in their annual report. But nothing in this act contained shall be construed to divert from the State Inebriate Asylum, or interfere with the proportion of said license fees set apart for said institution by existing laws. The said commissioners are authorized to demand and receive all fines imposed for intoxication or disorderly conduct in the city of New York, which fines, without any deduction, shall be paid over monthly by the magistrate, clerk, or other person who receives the same, to the said commissioners, and shall be by them applied and accounted for as other moneys received by virtue of this act.

CHAPTER 806. 1867.

AN ACT to enable the Board of Supervisors of the County of New York to raise money by tax for certain county purposes; to extend the powers of the Metropolitan Police, and to provide for the auditing and payment of unsettled claims against said county. Passed April 25, 1867, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * SECTION 6. The Metropolitan Board of Health, created by the act chapter seventy-four of the laws of eighteen hundred and sixty-six, acting as the Board of Excise, as authorized by the act chapter five hundred and seventy-eight of the laws of eighteen hundred and sixty-six, is hereby authorized and directed, from and after the passage of this act, through the person acting as treasurer of the said Board of Excise, to pay over monthly to the Chamberlain of the City of New York, for the use of the Commissioners of the Sinking

Fund of said city, and to be applied by said commissioners, as provided by law, for the redemption of the city debt, all license fees and fines which may be collected by the said Board of Excise in the county of New York, in pursuance of the act chapter five hundred and seventy-eight, before mentioned, after deducting therefrom twelve per cent. of all such moneys received since the first day of April, eighteen hundred and sixty-seven, which are now provided by law to be paid annually to the Commissioners of Charities and Correction, and also deducting ten per cent. of all such moneys received prior to April first, eighteen hundred and sixty-eight, which ten per cent. shall be paid to the New York State Inebriate Asylum, at Binghamton, which said ten per cent. shall be paid to the said, The New York State Inebriate Asylum, as now required by law; provided that the trustees of the said asylum shall, within sixty days after the passage of this act, make and execute a conveyance to the State of New York, by deed, duly acknowledged and recorded, of all the real estate, with the buildings and improvements thereon, and appurtenances thereto, owned by said Asylum in the County of Broome in said State, which conveyance the said trustees are hereby empowered to make; and also deducting the necessary expenses and salaries incurred in collecting said fees, as authorized by law; and no portion of license fees and fines, except as above provided, shall be paid over to any commission or corporation. The treasurer of the Board of Excise shall receive for his compensation in collecting such license fees and fines the sum of one thousand five hundred dollars per year.

CHAPTER 843. 1867.

AN ACT to incorporate the Inebriates' Home for Kings County. Passed May 9, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * SECTION 4. The Treasurer of the Board of Excise in and for the Metropolitan Police District of the State of New York, shall pay to the treasurer of the said Inebriates' Home of

Kings County, or his order, twelve per cent. of all the moneys hereafter received by said Board of Excise for licenses granted under said excise law to persons residing in the County of Kings, after all legal deductions therefrom, and deducting therefrom the proper proportion of the expenses of said Board, and such sums as now or may hereafter be appropriated by law to other purposes. And all fines hereafter received by said Board for violations of said excise law committed in said county of Kings, shall in like manner be paid to the Treasurer of said Inebriates' Home of Kings County. The money herein directed to be paid to the Treasurer of said Inebriates' Home, shall be so paid by the Treasurer of said Excise Board within thirty days after the receipt thereof by such Board; which money shall be applied to the founding and maintenance of such inebriates' Home, and for no other purpose.

CHAPTER 889. 1867.

AN ACT providing for the application of moneys hereafter collected in the Metropolitan Excise District for certain fines and from licenses for the sale of liquors. Passed May 10, 1867, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of May, one thousand eight hundred and sixty-seven, the Treasurer of the Metropolitan Board of Excise shall pay over all sums received by him for licenses and fines, as follows:

All such sums as are received for licenses granted in the city of Brooklyn, and for fines imposed for offences in said city, to the Commissioners of the Sinking Fund of the city of Brooklyn, to be applied by them without deduction to the extinction of the debt of said city; all such sums as may be received from the towns in the county of Richmond to the Commissioner of Common Schools in said county, to be by him apportioned among the several school districts in said county, ratably in proportion to the number of scholars attending school in each, and applied for the maintenance of the schools, and the erection

and improvement of school buildings therein respectively; in the towns of Kings County, except the city of Brooklyn, to the Commissioner of Schools, the money received from each town to be apportioned by him among the several school districts in such town, in proportion to the number of scholars attending school in each district, and applied for school purposes; and in the towns of Queens County to the highest officer having the general charge of schools in said county, to be by him distributed in like proportion among the towns from which it is received, and to be applied for like purposes. But before paying over such sums the said Treasurer shall deduct the proper proportion of the expenses of said Board, and the ten per cent. now provided by law to be paid to the State Inebriate Asylum. He shall also deduct from the sums received from Brooklyn any sum now provided by law to be paid to the Inebriates' Home.

SEC. 2. This act shall take effect immediately.

CHAPTER 926. 1867.

AN ACT appropriating the excise fees and fines collected in the town of New Utrecht, to the use of Common Schools in that town. Passed May 16, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All license fees provided for by the act to regulate the sale of intoxicating liquors within the Metropolitan Police Department, of the State of New York, passed April sixteen, eighteen hundred and sixty-six, and all fines therein provided for which shall hereafter be received by the Board of Excise of the said Metropolitan police district, from the town of New Utrecht, in the County of Kings, shall, after deducting the necessary expenses of collection and the amounts otherwise provided by law, be paid over to the supervisor of the town, and shall be applied by him to the payment of the wages of the teachers of the different districts in proportion to the amount of scholars in each district in the said town.

SEC. 2. This act shall take effect immediately.

CHAPTER 10. 1868.

AN ACT explanatory of Chapter Five Hundred and Seventy-eight, of the Laws of eighteen hundred and sixty-six, entitled: "An Act to Regulate the Sale of Intoxicating Liquors, within the Metropolitan District of the State of New York." Passed February 7, 1868, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled, "An Act to Regulate the sale of Intoxicating Liquors within the Metropolitan Police District, of the State of New York," passed April fourteen, eighteen hundred and sixty-six, shall be construed as having conferred upon the Board thereby created, power to grant licenses permitting the person or persons licensed to sell and dispose of strong and spirituous liquors, wines, ale, or beer, or any one or more of them for any period not less than three months nor more than one year from the time of the application for such license. But the said Board shall on the receipt of a proportionate amount of the license fee now established by them, and subject to all restrictions heretofore imposed by law, grant a license for three months to every person who shall apply for the same, prior to May first, eighteen hundred and sixty-eight.

SEC. 2. This act shall take effect immediately.

CHAPTER 468. 1868.

AN ACT in aid of the construction of the Newsboys' Lodging House of "The Children's Aid Society of the City of New York, and for the relief thereof." Passed April 29, 1868, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Excise constituted and created in and by the act entitled, "An Act to regulate the sale of intoxicating liquors within the Metropolitan Police District, of the State of New York," passed April fourteen, eighteen hundred and sixty-six, shall, upon satisfactory proof being furnished to said Board, within two years after the passage of

this act, by the Children's Aid Society of the city of New York, that said Society has raised and procured for the purpose of providing, erecting, or purchasing a lodging house for friendless and homeless boys in the city of New York, the sum of thirty thousand dollars, pay to said society out of the license fees, penalties, and fines received by said Board of Excise, the sum of thirty thousand dollars, to be paid from the first moneys received by the said Board after notice in writing served upon the Treasurer of said Board by said society, certifying that the said sum of thirty thousand dollars has been raised and procured by said society as and for the purpose mentioned in this act; and therefore shall be received, used, and applied by said society in providing, erecting, or purchasing such lodging house, and for no other purpose; provided, however, that nothing herein contained shall be construed as diverting any part of any moneys directed to be paid to the State Inebriate Asylum.

* * * * * * *

CHAPTER 483. 1868.

AN ACT to amend an Act entitled: "An Act to incorporate the Inebriates' Home for Kings County," passed May 9, 1867. Passed April 30, 1868.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Section four of the act entitled, "An Act to incorporate the Inebriates' Home for Kings County," passed May 9, 1867, is hereby amended so as to read as follows:

SEC. 4. The Treasurer of the Board of Excise, in and for the Metropolitan Police District of the State of New York, shall pay to the Treasurer of the said "Inebriates' Home," the sum of two hundred thousand dollars of the first moneys hereafter received by said Board of Excise, for licenses granted under said Excise Law to persons carrying on business in the County of Kings, which amount is hereby appropriated to said "Home," to be applied to the erection and furnishing of suitable buildings for the same, and improving the grounds belonging thereto, and no other purpose. After the payment to

said "Home," of the said sum of two hundred thousand dollars, the Treasurer of said Board of Excise shall pay annually thereafter to the Treasurer of said "Home," the sum of ten thousand dollars, out of the excise money as aforesaid, to be applied to the maintenance of the same, and for no other purpose. All fines hereafter collected for violations of said Excise Law, in the county of Kings, shall be paid to the Treasurer of said "Home," in the manner hereinafter stated.

* * * * * * *

CHAPTER 817. 1868.

AN ACT making appropriations for certain public and charitable institutions. Passed May 14, 1868, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * * * * *

SECTION 2. The following amounts are hereby appropriated for the several purposes and objects specified, as follows, namely:

* * * * * * *

For the Colored Orphan Asylum of the City of New York, twenty-five thousand dollars, to be paid out of the Metropolitan Excise Fund.

* * * * * *

CHAPTER 853. 1868.

AN ACT to make provision for the government of the city of New York. Passed June 3, 1868, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

* * * * * * *

SECTION 4. The Metropolitan Board of Health created by the act, chapter seventy-four of the laws of eighteen hundred and sixty-six, acting as the Board of Excise, as authorized by the act, chapter five hundred and seventy-eight of the laws of eighteen hundred and sixty-six, is hereby authorized and di-

rected, from and after the passage of this act, through the person acting as Treasurer of the said Board of Excise, to pay over monthly to the chamberlain of the city of New York, for the use of the Commissioners of the sinking fund of said city, and to be applied by the said Commissioners as provided by law, for the redemption of the city debt, all license fees and fines which may be collected by the said Board of Excise in the county of New York, in pursuance of the act, chapter five hundred and seventy-eight, before mentioned: excepting ten per cent. of all moneys so collected by said Board of Excise for such license fees and fines in said county prior to April first eighteen hundred and sixty-nine, which ten per cent. shall be paid by the chamberlain of said city to the New York State Inebriate Asylum at Binghamton.

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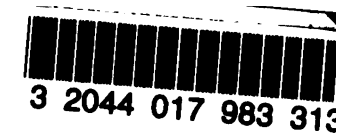
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